

 ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM DARLINGTON COUNTY

J. Michael Baxley, Circuit Court Judge

RECEIVED

APR 30 2014

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

RUDOLPH ISREAL EDWARDS,

APPELLANT

APPELLATE CASE NO. 2013-001681

RECORD ON APPEAL

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THE STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DARLINGTON	)	FOURTH JUDICIAL CIRCUIT
	)	
The State of South Carolina	)	
	)	
Plaintiff	)	
	)	2012-GS-16-1311
Versus	)	
	)	
Rudolph Isreal Edwards	)	April 1, 2013
	)	April 2, 2013
Defendants	)	
_____	)	

BEFORE

THE HONORABLE J. MICHAEL BAXLEY

APPEARANCES

Patti Parker, Esquire
 John Woodrow Holt, IV, Esquire
ATTORNEY FOR THE STATE

Richard Jones, Esquire
 Christy Wise, Esquire
ATTORNEY FOR THE DEFENDANT

Pamela Ozment-Cartee
 Circuit Court Reporter

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NAME	VOIR DIRE	DIRECT	CROSS
John Specht		59	70
Ben Weatherford		76	82
Gary Billiott	84	89	93
Robert McIntyre		94	None
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VOIR DIRE

Case No.: 2012-GS-16-1311 Date: April 2, 2013
 Plaintiff: The State Attorney Patti Parker
 Defendant: Rudolph Isreal Edwards Attorney Christy Wise
 Presiding Judge: J. Michael Baxley Reporter: Pamela Ozment-Cartee

*****					***** STRIKES *****	
Juror #	Juror Name	Race	Sex	Court	Plff	Def
072	Ronald C. Jett	B	M		✓	✓
066	Gertrude B. Hudson	B	F		✓	x
003	Alison D. Alford	W	F		✓	x
022	Dianne P. Butler	B	F		✓	✓
026	Sunni Catoe	W	F		✓	✓
088	Lawrence Mack	B	M		x	---
091	Jason L. Miles	W	M		✓	✓
036	Antonio J. Damon	B	M		x	---
056	Lamond J. Harrison	B	M		✓	✓
105	Amah E. Riley	W	F		✓	✓
008	Suparna Bali	W	F		✓	x
062	Lawrence W. Horn, III	W	M		✓	✓
015	Ernest L. Boston	B	M		✓	✓
115	Jennifer D. Smith	W	F		✓	✓
118	Marcia B. Stegner	W	F		✓	x
030	Deborah D. Cobb	B	F		✓	✓
065	Mary J. Howle	W	F		✓	x
060	Keith C. Hodges	W	M		x	---
035	William G. Curry	W	M		x	---
073	Yvonne H. Jett	B	F		✓	N/C
113	Shaunkita M. Simon	B	F		✓	N/C
	Alternate					
128	Cassie E. Watkins	W	F		✓	x
089	Robert McDaniel, Jr.	B	M		x	---
130	Cynthia L. Watts	B	M		N/C	x
034	Davy L. Culley	W	M		N/C	N/C

COURT EXHIBIT

NUMBER	DESCRIPTION
1.	Search Warrant

STATE EXHIBITS

NUMBER	DESCRIPTION	PAGE
1.	Video DVR	080
2.	Digital Scales	070
3.	Marijuana	087
4.	Photograph	069
5.	Darlington County Sheriff's Office Marijuana Results Report	091

NO DEFENSE EXHIBITS

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1 (Whereupon, this hearing began at 11:50 a.m.
2 on Monday, April 1, 2013.)

3 **THE COURT:** Madam Solicitor, please call your next
4 case.

5 **MS. PARKER:** Thank you, Your Honor. At this time
6 the State would call to trial The State versus Rudolph
7 Isreal Edwards. That is Indictment Number 2012-GS-16-1311.

8 **THE COURT:** All right. Counsel, just approach, if
9 you will, please one moment, while we talk about
10 scheduling. And, while we are having this discussion,
11 ladies and gentlemen, Ms. Carter has an announcement she is
12 going to make for some of you who may be in this courtroom.

13 **DEPUTY CLERK:** If there is anybody here in
14 reference to a Bond Hearing, if you are a victim, or a
15 family member on somebody that is going to have a Bond
16 Hearing this morning, if you will just step outside, we are
17 going to do that in another room.

18 (Whereupon, a bench conference was held.)

19 **THE COURT:** All right. Ladies and gentlemen, we
20 are just talking a little bit about scheduling, and the
21 logistics of having more than one trial, which is in
22 process at the same time.

23 Now, you called the Indictments, but tell us, what are
24 the charges against Mr. Edwards, please, Madame Solicitor.

25 **MS. PARKER:** Possession with intent to distribute

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1 marijuana.

2 **THE COURT:** All right. And, how many Indictments
3 did you call, counsel?

4 **MS. PARKER:** Just one.

5 **THE COURT:** And tell me again the number of the
6 case you called please?

7 **MS. PARKER:** 2012-1311.

8 **THE COURT:** All right. Ladies and gentlemen, you
9 have heard then the call of the case, which is an
10 Indictment for possession of marijuana with intent to
11 distribute. Docket number 2012-GS-16-1311. Mr. Jones, do
12 you represent the defendant, Mr. Rudolph Isreal Edwards?

13 **MR. JONES:** Ms. Christy Wise and I do, Your Honor.

14 **THE COURT:** All right. And, how does Mr. Edwards
15 plea to this charge?

16 **MR. JONES:** He pleads not guilty, Your Honor.

17 **THE COURT:** All right, very good. Then ladies and
18 gentlemen, again the issues are joined, and we will proceed
19 to draw a jury in this matter.

20 Now, let's start again by introducing the principles
21 in this case, as well as the case officer, who will be
22 prosecuting. And, go ahead and call out the names of your
23 witnesses as well, Ms. Parker, to the jury panel.

24 **MS. PARKER:** Thank you, Your Honor. Our primary
25 complaining witness in this case is John Specht, with the

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1 Darlington County Sheriff's Office. Your Honor, there were
2 also some other officers involved. I will call their
3 names. Ben Weatherford with the Darlington County
4 Sheriff's Office, Gary Billiott of the Darlington County
5 Sheriff's Office, he is not present in the courtroom.
6 Robert, he goes by Woody McIntyre of the Darlington County
7 Sheriff's Office, and potentially Captain John McLeod of
8 the Darlington County Sheriff's Office.

9 **THE COURT:** All right. Thank you, you may be
10 seated gentlemen.

11 And, Ms. Parker, you will be trying this case for the
12 State?

13 **MS. PARKER:** That is correct, Your Honor.

14 **THE COURT:** Very good. And, let's go to the
15 defense for the same information. And tell us, Mr. Jones,
16 please introduce yourself and co-counsel again if you will.

17 **MR. JONES:** Yes, sir. My name is Rick Jones with
18 the Darlington County Public Defender's Office, Fourth
19 Circuit. Also trying the case will be Christy Wise with
20 the Fourth Circuit Public Defender's Office. Our defendant
21 is Mr. Rudolph Edwards. And, another potential witness is
22 his wife, Dorothy Smith.

23 **THE COURT:** All right. And, of course, this trial
24 is not going to begin today, thus Mr. Edwards is not
25 present today. But, just by way of description for the

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1 jury, it makes no difference in terms of justice. But,
2 tell us what age and race is the defendant?

3 **MR. JONES:** He is a black male, Your Honor, and I
4 do not have his age. Approximately late thirties.

5 **THE COURT:** And, can you tell us where --- Is he a
6 residence of Darlington County?

7 **MR. JONES:** He is, Your Honor.

8 **THE COURT:** And, where in the county does he
9 reside?

10 **MR. JONES:** He formally lived on Bill's Circle in
11 Hartsville, Your Honor, the Hartsville area of Darlington
12 County.

13 **THE COURT:** All right, very good. This is just
14 some identifying information, so you, the jury, can make a
15 determination as to how to answer the next question, which
16 you have already heard in the first case, which is this.

17 Now, ladies and gentlemen, you have been introduced to
18 the lawyers in this case, as well as you have heard the
19 names of the principle witnesses and the defendant. I want
20 to ask now, if there is any member of this jury panel
21 related by blood or marriage to the attorneys, to the
22 parties that are the principles in this case, as well as to
23 the officers who will be testifying, if you are related to
24 them by blood or marriage. If you have some close
25 business, professional or social connection, please stand.

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1 Let's let the record reflect that no one has stood. I have
2 already queried this panel about relationships with counsel
3 as well as to the Solicitor's Office, there have been no
4 responses to those. We had one actually, and let's see,
5 Ms. Smith, you responded during our last jury draw did you
6 not, that you had been connected previously with one of the
7 attorneys?

8 **MS. SMITH:** No, sir.

9 **THE COURT:** See my mind fails me. Who was it then
10 that stood and said -- Ma'am, tell us again which one of
11 the lawyers you have been connected with previously? Tell
12 us your name and jury number.

13 **MS. CATOE:** Sunni Catoe, Mr. Jones.

14 **THE COURT:** And, Ms. Catoe, let me ask, the fact
15 that Mr. Jones was previously involved some years ago now
16 in a matter, would that prevent you from being fair and
17 impartial in this case?

18 **MS. SMITH:** No, sir.

19 **THE COURT:** All right, good. Thank you, Ms. Catoe.
20 Ms. Smith excuse me for getting confused. As I age I do
21 that from time to time.

22 All right. Now, is there anybody else who would stand
23 and say they have some connections to any of these parties,
24 whether it be a relationship by family, or blood, or
25 marriage, whatever it may be, please stand? Let the record

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1 reflect that no one has stood in response to the Court's
2 question.

3 I want to ask again, you heard the identification,
4 let's ask specifically about the defendant, Mr. Rudolph
5 Isreal Edwards. You heard him described by name as well as
6 race and by gender. You heard it said where he resides in
7 the county. I ask you if there is any member of this jury
8 panel who believes that you know that gentlemen, if that
9 applies to you, please stand? If you think you know him,
10 or have some relationship to him, please stand. Let the
11 record reflect that no one has stood.

12 Now, ladies and gentlemen, this case, of course as all
13 cases, is based on an Indictment. I have in my hand that
14 Indictment, which is simply a piece of paper. It is a
15 document by which the Solicitor commences a prosecution
16 against any individual. This document contains only
17 allegations. These are accusations. They are not to be
18 accepted as evidence, because what is in here is not
19 evidence. And, also, it is not to be accepted as the
20 truth, because ultimately the jury will decide what the
21 truth of the case is, not based on what an Indictment says,
22 but what testimony is put forth on the witness stand. But,
23 the Indictment in this case alleges that Rudolph Isreal
24 Edwards, did in Darlington County, on or about January 13,
25 2012, so that is the operative date. January 13, 2012,

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1 possessed with an intent to distribute, or dispense, or
2 deliver a quantity of marijuana, which is a controlled
3 substance under South Carolina law, in violation of South
4 Carolina law. I ask you ladies and gentlemen, having given
5 you these allegations, which I have been denied, you heard
6 the entry of a not guilty plea, whether there is any member
7 of this jury panel who knows something about this case, or
8 this prosecution. If you do, from whatever source, please
9 stand. Let the record reflect that no one has stood in
10 response to the Court's question.

11 All right. Ladies and gentlemen, all counsel was
12 present for the previous jury draw, which asked questions
13 about law enforcement connection, as well as membership in
14 organizations. Is there any need to repeat that for
15 purposes of this record, from the State?

16 **MS. PARKER:** No, Your Honor.

17 **THE COURT:** From defense?

18 **MR. JONES:** No, sir.

19 **THE COURT:** Very good. Ladies and gentlemen, this
20 case alleges that the defendant possessed a quantity of
21 drugs. I want to ask you if know if there is any member of
22 this jury panel who believes, based upon whether it be a
23 religious, or personal, or moral belief, and based upon the
24 allegations in this Indictment, that you would not be an
25 appropriate juror for this case. If that applies to you,

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1 or you think that it even may, and you wish to discuss it
2 with the Court, please stand. Let the record reflect that
3 no one has stood in response to the Court's questions.

4 Now, is there anything further that the State would
5 have the Court inquire of this panel concerning these
6 charges. What says the State?

7 **MS. PARKER:** No, Your Honor, nothing additional.

8 **THE COURT:** Further jury questions on voir dire
9 from the defense?

10 **MR. JONES:** No, sir.

11 **THE COURT:** All right, very good. Is the State
12 ready to draw?

13 **MS. PARKER:** Yes, Your Honor.

14 **THE COURT:** How many strikes are claimed by the
15 State for this charge?

16 **MS. PARKER:** Five.

17 **THE COURT:** And, is the defense ready to draw?

18 **MR. JONES:** Yes, sir.

19 **THE COURT:** And how many strikes are claimed by the
20 defendant for this charge?

21 **MR. JONES:** Five, Your Honor.

22 **THE COURT:** Very good. By statute in this case,
23 the strikes are five for the State, and five for the
24 defense.

25 Mr. Clerk, are you ready?

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1 **CLERK OF COURT:** Yes, Your Honor.

2 **THE COURT:** All right. Please proceed. Ladies and
3 gentlemen, we are going to use the same procedure. Please
4 respond to the clerk when he calls your name.

5 **CLERK OF COURT:** Juror Number 72, Ronald Jett.
6 What saith the State?

7 **MS. PARKER:** Please present, Mr. Jett.

8 **CLERK OF COURT:** What saith the defense?

9 **MR. JONES:** Please sit the juror.

10 **CLERK OF COURT:** Please come forward and have a
11 seat in the jury box for me, Mr. Jett.

12 Juror Number 66, Gertrude Hudson.. What saith the
13 State?

14 **MS. PARKER:** Please present Ms. Hudson.

15 **CLERK OF COURT:** What saith the defense?

16 **MR. JONES:** Please excuse the juror for this case.

17 **CLERK OF COURT:** You have been excused from this
18 particular case, Ms. Hudson.

19 Juror Number 3, Alison Alford. What saith the State?

20 **MS. PARKER:** Please present Ms. Alford.

21 **CLERK OF COURT:** What saith the defense?

22 **MR. JONES:** Please excuse the juror for this case.

23 **CLERK OF COURT:** You have been excused from this
24 case, Ms. Alford.

25 Juror Number 22, Dianne Butler. What saith the State?

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1 MS. PARKER: Please present Ms. Butler.

2 CLERK OF COURT: What saith the defense?

3 MR. JONES: One second, please.

4 (PAUSE.)

5 MR. JONES: Please sit the juror.

6 CLERK OF COURT: Please come forward and have a
7 seat in the jury box for me please, Ms. Butler.

8 Juror Number 26, Sunni Catoe. What saith the State?

9 MS. PARKER: Please present Ms. Catoe.

10 CLERK OF COURT: What saith the defense?

11 MR. JONES: Please sit the juror.

12 CLERK OF COURT: Please come forward and have a
13 seat in the jury box for me, Ms. Catoe.

14 Juror Number 88, Lawrence Mack. What saith the State?

15 MS. PARKER: Please excuse Mr. Mack for the trial
16 of this case.

17 CLERK OF COURT: You have been excused in this
18 case, Mr. Mack.

19 Juror Number 91, Jason Miles. What saith the State?

20 MS. PARKER: Please present Mr. Miles.

21 CLERK OF COURT: What saith the defense?

22 MR. JONES: Please sit the juror.

23 CLERK OF COURT: Please come forward and have a
24 seat in the jury box for me, Mr. Miles.

25 Juror Number 36, Antonio Damon. What saith the State?

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1 **MS. PARKER:** Please excuse Mr. Damon.

2 **CLERK OF COURT:** You have been excused in this
3 particular case, Mr. Damon.

4 Juror Number 56, Lamond Harrison. What saith the
5 State?

6 **MS. PARKER:** Please present Mr. Harrison.

7 **CLERK OF COURT:** What saith the defense?

8 **MR. JONES:** Please sit the juror.

9 **CLERK OF COURT:** Please come forward and have a
10 seat in the jury box for me please, Mr. Harrison.

11 Juror Number 105, Amah Riley. What saith the State?

12 **MS. PARKER:** Please present Ms. Riley.

13 **CLERK OF COURT:** What saith the defense?

14 **MR. JONES:** Please seat the juror.

15 **CLERK OF COURT:** Please come forward and have a
16 seat in the jury box for me please, Ms. Riley.

17 Juror Number 8, Suparna Bali. What saith the State?

18 **MS. PARKER:** Please present Ms. Bali.

19 **CLERK OF COURT:** What saith the defendant?

20 **MR. JONES:** Please excuse the juror from this case.

21 **CLERK OF COURT:** You have been excused from this
22 case, Ms. Bali.

23 Juror Number 62, Lawrence Horn, III. What saith the
24 State?

25 **MS. PARKER:** Please present Mr. Horn.

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1 **CLERK OF COURT:** What saith the defense?

2 **MR. JONES:** That was 62?

3 **CLERK OF COURT:** 62, Lawrence Horn.

4 **MR. JONES:** Please seat the juror.

5 **CLERK OF COURT:** Please come forward and have a

6 seat in the jury box for me please, Mr. Horn.

7 Juror Number 15, Ernest Boston. What saith the State?

8 **MS. PARKER:** Please present Mr. Boston.

9 **CLERK OF COURT:** What saith defense?

10 **MR. JONES:** Please seat the juror.

11 **CLERK OF COURT:** Please come forward and have a

12 seat in the jury box for me please, Mr. Boston.

13 Juror Number 115, Jennifer Smith. What saith the

14 State?

15 **MS. PARKER:** Please present Ms. Smith.

16 **CLERK OF COURT:** What saith defense?

17 **MR. JONES:** Please seat the juror.

18 **CLERK OF COURT:** Please come forward and have a

19 seat in the jury box for me please, Ms. Smith.

20 Juror Number 118, Marcia Stegner. What saith the

21 State?

22 **MS. PARKER:** Please present Ms. Stegner.

23 **CLERK OF COURT:** What saith defense?

24 **MR. JONES:** Please excuse the juror from this case.

25 **CLERK OF COURT:** You have been excused from this

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1 case.

2 THE COURT: And, defense has one strike remaining.

3 MR. JONES: Yes, sir.

4 CLERK OF COURT: Juror Number 30, Deborah Cobb.

5 What saith the State?

6 MS. PARKER: Please present Ms. Cobb.

7 CLERK OF COURT: What saith defense?

8 MR. JONES: Please seat the juror.

9 CLERK OF COURT: Please come forward and have a
10 seat in the jury box for me, Ms. Cobb.

11 Juror Number 65, Mary Howle. What saith the State?

12 MS. PARKER: Please present Ms. Howle.

13 CLERK OF COURT: What saith defense?

14 MR. JONES: Please excuse the juror from this case.

15 CLERK OF COURT: You have been excused from this
16 case, Ms. Howle.

17 THE COURT: Defense has no strikes remaining, only
18 challenges for cause.

19 MR. JONES: Yes, sir.

20 CLERK OF COURT: Juror Number 60, Keith Hodges.

21 What saith the State?

22 MS. PARKER: Please excuse Mr. Hodges from the
23 trial of this case.

24 CLERK OF COURT: You have been excused from this
25 particular case, Mr. Hodges.

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1 Juror Number 35, William Curry. What saith the State?

2 **MS. PARKER:** Please excuse Mr. Curry.

3 **CLERK OF COURT:** You have been excused from the
4 particular case, Mr. Curry.

5 **THE COURT:** The State has one strike remaining.

6 **CLERK OF COURT:** Juror Number 73, Yvonne Jett.

7 What saith the State?

8 **MS. PARKER:** Please present Ms. Jett.

9 **CLERK OF COURT:** Any show for cause from the
10 defense?

11 **MR. JONES:** There is not.

12 **CLERK OF COURT:** Please come forward, Ms. Jett, and
13 have a seat in the jury box for me.

14 Juror Number 113, Shaunkita Simon. What saith the
15 State?

16 **MS. PARKER:** Please seat Ms. Simon. Present her.

17 **CLERK OF COURT:** Any show for cause from the
18 defense?

19 **MR. JONES:** Give me the number again, Mr. Clerk?

20 **CLERK OF COURT:** 113.

21 **MR. JONES:** There is not.

22 **CLERK OF COURT:** Please come forward and have a
23 seat in the jury box for me please, Ms. Simon.

24 **THE COURT:** And, Mr. Clerk, that would be twelve.

25 So, let's choose one alternate. And the strikes will be

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1 one for the State and two for the defense as to the
2 alternate.

3 MR. JONES: Yes, sir.

4 CLERK OF COURT: Juror Number 128, Cassie Watkins.
5 What saith the State?

6 MS. PARKER: Please present Ms. Watkins.

7 CLERK OF COURT: What saith defense?

8 MR. JONES: Please excuse the juror.

9 CLERK OF COURT: You have been excused from this
10 particular case, Ms. Watkins.

11 Juror Number 89, Robert McDaniel. What saith the
12 State?

13 MS. PARKER: Please excuse Mr. McDaniel.

14 CLERK OF COURT: You have been excused in this
15 particular case, Mr. McDaniel.

16 Juror 130, Cynthia Watts. Any show for cause from the
17 State?

18 MS. PARKER: No, sir.

19 CLERK OF COURT: What saith the defense?

20 MR. JONES: Please excuse the juror.

21 CLERK OF COURT: You have been excused in this
22 particular case.

23 THE COURT: Now, both parties have only challenge
24 for as to the next juror.

25 CLERK OF COURT: Juror Number 34, Davy Culley. Any

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1 show for cause from the State?

2 MS. PARKER: There is none.

3 CLERK OF COURT: Any show for cause from the
4 defense?

5 MR. JONES: No, sir.

6 CLERK OF COURT: Please come forward to the first
7 chair outside of the jury box for me please, Mr. Culley.

8 THE COURT: Counsel, while our last juror is
9 coming, step up and let's talk about scheduling so we can
10 make sure we are all on the same understanding. We will be
11 right with you, ladies and gentlemen.

12 (Whereupon, a bench conference was held in
13 the presence of the jury but outside of their hearing.)

14 THE COURT: All right. Thank you, ladies and
15 gentlemen.

16 Now, just logistically, if you think about this with
17 us, when we have a case which is number one for trial, not
18 that it is any greater importance than the number two case
19 you have been chosen for, it is just first called. We
20 can't always know exactly what is happening in your case,
21 because it is dependent upon the conclusion of the first
22 case. But, what I am going to ask you to do, and we are
23 going to call you jury panel number two, is call after six
24 o'clock tonight for further instructions to jury panel two.
25 We are going to have a message for jury panel two, which is

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1 just you thirteen. And what do you want to call the rest
2 of our group?

3 **CLERK OF COURT:** Balance.

4 **THE COURT:** And the balance of the jury panel is
5 what we are going to call the ladies and gentlemen who
6 have not been chosen, we will have a message on there for
7 you as well, to call after six o'clock tonight.

8 Now, please be aware, the fact that I told the first
9 jury that their case may take one to two days for trial
10 doesn't mean that this case may not be called tomorrow.
11 There are many things that could happen that could impact
12 when this case would be called. So, please keep an open
13 schedule and keep an open mind, and call after six
14 o'clock tonight --- that is tonight for further
15 instructions to jury panel number two, and the balance
16 of the jury panel.

17 Now, as I said to our first jury, we really know
18 nothing about this case. Please don't undertake your
19 own investigation whatever that may be, and don't discuss
20 this with loved ones at home, because I don't want them
21 to say something that may bias or prejudice you one way
22 or another in this matter. We don't even know enough
23 about this case to discuss it. But, call the jury
24 number after six o'clock tonight for further instructions
25 for panel two.

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1 Now, any questions from our jurors in jury panel
2 number two about scheduling or about other issues? So,
3 then, you are done for the day as well. And we will ask
4 you to call after six o'clock tonight. Follow those
5 instructions, and, I am sure at some point we shall see you
6 again. And, out of respect for you, we will remain where
7 we are while you depart the courtroom, ladies and
8 gentlemen.

9 **BAILIFF:** Come this way, please.

10 (Whereupon, the jury exits the courtroom at
11 12:12 p.m.)

12 **THE COURT:** Now, ladies and gentlemen, let me
13 say to you, please don't be disappointed. You may yet
14 have a chance again this week to come and participate in
15 a jury draw. We will see what happens. But, thank you
16 for being here. I am glad to tell you that you are done
17 for the day. And as Mr. Suggs said, please call the
18 number after six o'clock tonight. If I knew what it
19 was going to say now, I would tell you now, but we won't
20 know until the end of the day. Have a good day, ladies
21 and gentlemen.

22 All right. Folks, let's step up for scheduling one
23 more time for the first case, please. And, ladies and
24 gentlemen who are in the second case for trial, if you
25 want to stand down, we will see you when the case is

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1 | called for trial.

2 (Whereupon, the Court concludes its
3 business for the day at 12:13 p.m.)

4 -- END OF DAY ONE OF TRIAL --

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1 (Whereupon, court comes to order at 11:18
2 a.m. on Tuesday April 2, 2013.)

-- DAY TWO OF TRIAL --

3
4 **THE COURT:** You have a written motion?

5 **MS. WISE:** I do, Your Honor.

6 **THE COURT:** I don't know that I have that. The
7 clerk may have it.

8 **MS. WISE:** I can give you a copy of mine.

9 **THE COURT:** Counsel, let me ask while we are
10 waiting. What is your last contact with Mr. Edwards; have
11 you spoken to him today?

12 **MS. WISE:** I have not spoken with him today. We
13 spoke with him, each of us in person last week. I spoke
14 with him on the telephone on Thursday. He left a voice
15 mail for me on Friday, and that is the last that we heard
16 from him.

17 **THE COURT:** Very good, thank you. And, are we
18 ready?

19 **MS. WISE:** We are ready, Your Honor.

20 **THE COURT:** Ms. Parker, are you ready?

21 **MS. PARKER:** Yes, sir.

22 **THE COURT:** Then this is your motion, Ms. Wise.
23 And we are on the record now in the case of The State
24 versus Rudolph Edwards. And, we will be glad to hear from
25 you, Ms. Wise.

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1 **MS. WISE:** Thank you, Your Honor. We are here
2 today on behalf of Mr. Edwards to suppress the search
3 warrant that was obtained on his residence. I believe the
4 search warrant was for January 12, 2012. A couple of
5 issues that we have with the warrant, and our motion --- in
6 regards to our motion with that. We do not believe that
7 there was probable cause for warrant. If you look at the
8 Affidavit that should be attached to the motion --- Do you
9 have a copy of the search warrant as well?

10 **THE COURT:** I do.

11 **MS. WISE:** I had a couple of concerns with the
12 Affidavit signed and attested to by Officer Specht. I do
13 not believe that the particular facts necessary for the
14 Affidavit were set forth. I believe that there was no
15 evidence that the alleged buys mentioned in the Affidavit
16 were controlled and/or properly conducted. I have an issue
17 with that. I believe the language of the Affidavit is
18 extremely vague, almost too vague to even have issued the
19 search warrant. There was actually no information as to
20 why Mr. Edwards may have committed the alleged crime that
21 he is charged with. Again, I say they are vague and broad
22 for conclusory statements. There was no consideration of
23 the arrested individuals veracity, reliability, and/or
24 basis of knowledge. The Affidavit specifies that two of
25 the individuals were arrested leaving the location of Mr.

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1 Edwards' residence after purchasing illegal drugs. That is
2 the only knowledge that is given as a basis for probable
3 cause. We know nothing about these individuals. We don't
4 know anything about their veracity, whether they have been
5 involved with law enforcement in the past. As well as
6 State versus Winborne sets forth that a search warrant
7 needs to state facts so closely related to the time and
8 issuance of the warrant as to justifying a finding of
9 probable cause. I believe that this Affidavit fails
10 altogether to state the time of the occurrence of the facts
11 alleged and is insufficient.

12 THE COURT: And, so our record is complete, please
13 give us the cite for State versus Winborne.

14 MS. WISE: The cite for State versus Winborne, if
15 you will give me one moment, please. It is 273 S.C. 62;
16 254 S.E.2d 297.

17 THE COURT: Do you have a copy of that?

18 MS. WISE: I have a copy of the actual case. I
19 don't have the case itself, but I have a copy of an
20 annotated version of what was said in the case, if you
21 would like to see that.

22 THE COURT: May I see that?

23 MS. WISE: Yes, Your Honor.

24 THE COURT: And let me take a moment before I hear
25 from the State to review this case annotation, as well as

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1 the Affidavit in detail.

2 (PAUSE.)

3 THE COURT: And, you say that because the names of
4 these individuals who have provided statements, and who
5 were arrested after having purchased illegal drugs at that
6 residence, the omission of those individuals name is fatal
7 to the Affidavit in your opinion?

8 MS. WISE: Not necessarily the omission of their
9 names, but the omission as to the credibility of these
10 individuals, as well as their veracity and reliability. We
11 know nothing whatsoever about these individuals; including
12 the allegations made against them as being true.

13 THE COURT: All right. Just one moment, please.

14 (PAUSE.)

15 THE COURT: Well, now, my understanding is as I
16 read it is, Detective Specht says that his folks may have
17 conducted surveillance. They have seen these individuals
18 leaving the location after having purchased illegal drugs
19 and arrested them. How would the veracity or the
20 credibility of those individuals impact the sufficiency of
21 the warrant?

22 MS. WISE: I believe that they stopped with what
23 the Affidavit of Mr. Specht testifies to, or attest to.
24 Excuse me. The veracity and credibility of those
25 individuals would come into play, because, if you look, and

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1 I am not sure --- you don't have a copy of the motion
2 itself, I attached an incident report as well. Within the
3 incident report, and I apologize it is a bit convoluted.
4 But, within the incident report attached with the warrant,
5 it discloses that these two individuals, in my opinion, and
6 this might be an issue that needs to go before the jury.
7 But, in my opinion, were arrested after giving information
8 to law enforcement, that if they in a way helped law
9 enforcement in identifying who this individual was, they
10 would be cut a break. And, what I am saying is that I
11 believe that there might need to be, because some sort of
12 deal might have been worked out with them, or some sort of
13 negotiation might have been worked out with them as far as
14 them being arrested. What I am saying is that I think
15 something needs to be shown in this Affidavit as to their
16 credibility and to their truthfulness.

17 **THE COURT:** All right, very good. Let's do this.
18 I am going to hear from the State, and then since this is
19 your motion, I will give you an opportunity to reply to
20 what you hear.

21 **MS. WISE:** Thank you, Your Honor.

22 **THE COURT:** Ms. Parker.

23 **MS. PARKER:** Thank you, Your Honor. I have had an
24 opportunity to review Ms. Wise's motion. She first in her
25 motion mentions Franks versus Delaware. And in that case,

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1 I don't think that pertains to this case at all, because in
2 that case the defendant was able to show a false statement
3 was used in the Affidavit against him in obtaining the
4 search warrant. And, in that particular Defendant's case,
5 that false statement was necessary to the probable cause.
6 She also mentions State versus Smith in her motion. And in
7 that case it was found that there was no sufficient
8 underlying facts, because the purpose of this Affidavit is
9 to give probable cause to the judge for there to be enough
10 facts for a judge to find probable cause, it probably or
11 likely there is criminal activity, or there is going to be
12 some evidence of criminal activity at a location. At the
13 time the Affidavit is sworn and that testimony is sworn to
14 a magistrate, we don't have to prove it beyond a reasonable
15 doubt at that point. Just to give him some underlying
16 facts that more than likely there is something going on
17 here at that residence. In State v Smith, law enforcement
18 in that case said --- It just says that he went and robbed
19 the manager at the hotel at knife point. Law enforcement
20 did not mention why they thought this individual had done
21 the robbery. It is just that is a conclusory statement,
22 and that particular case was overturned. I don't think we
23 have that situation here with our case at hand. And then
24 lastly, she was mentioning State versus Winborne. I have
25 pulled that up, and in that case the officer's Affidavit in

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1 that search warrant was information received from a
2 confidential and reliable informant known to me for more
3 than five years, and having given good and reliable
4 information in the past to effect that he has seen the
5 above mentioned drugs at this apartment in possession of
6 the defendant. That is kind of vague. I mean, that is
7 just saying that there is a reliable informant --- It is
8 saying that he has seen the drugs at this location. It is
9 not giving any specific facts in State versus Winborne.
10 And, I can find some differences in the Affidavit that we
11 have at the case at hand versus this Affidavit in State
12 versus Winborne, because Agent Specht mentions, you know,
13 we not only have multiple undercover purchases been made
14 from this residence, but then on top of that, Sergeant
15 Specht himself has conducted surveillance outside of the
16 residence, and has seen individuals leaving who have been
17 subsequently even stopped and had drugs on them. And
18 certainly his credibility, I think, would be enough to pass
19 muster here in this Court, that he is saying that he
20 personally conducted this surveillance. Also, along with
21 another narcotics officer, I think we have got it here,
22 Judge, that there was sufficient basis of underlying facts
23 for Judge Thomas to find the probable cause here in this
24 case when he issued the search warrant.

25 **THE COURT:** All right. And, do you wish to reply?

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1 **MS. WISE:** Again, Your Honor, I would just like to
2 emphasize my initial points. As far as Mr. Specht's
3 Affidavit, there was no personal knowledge, to my
4 understanding, establishing the language of this Affidavit,
5 looking at the language on its face.

6 And again State versus DuPree, talking about
7 controlled buys. There is no indication in this Affidavit
8 of what sort of buys were done --- what sort of undercover
9 buys were done. In the Affidavit we do not know if the
10 buys were done by this officer. No indication of personal
11 knowledge of this officer is set forth in the Affidavit
12 other than that the petitioning officer is assigned to the
13 Darlington County Drug Enforcement Unit, and I don't think
14 that the Drug Enforcement Unit --- And, I do not believe
15 that is sufficient, just merely being a member of the
16 police force here in Darlington County being set forth in
17 the Affidavit to establish probable cause. And, again, I
18 believe that he should have stated --- or it should be
19 stated with specificity any personal knowledge regarding
20 any alleged incidences, any reason for probable cause going
21 on at this residence. Again, State versus DuPree says that
22 when you discuss alleged buys in an Affidavit, you have to
23 indicate that they are controlled. You need to show a
24 little bit of --- you need to show a little bit of --- I
25 don't want to say control, but you need to show that they

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1 were properly conducted. And there is no evidence of any
2 of that anywhere in this Affidavit.

3 THE COURT: All right. Just one moment, please.

4 (PAUSE.)

5 THE COURT: All right. Ms. Wise, I am going to
6 respectfully deny your motion. And, I make this decision
7 based on the following reasons.

8 First of all, the issue is rather the Affidavit is
9 sufficient to give Judge Thomas, at the time he signed the
10 search warrant, probable cause for the issuance of the
11 warrant. Probable cause, of course, is more than some
12 scintilla of evidence, or some belief not supported in the
13 facts. Probable cause is a reasonable suspicion based on
14 the totality of the circumstances that criminal activity is
15 afoot. And, in the Affidavit, which is given by Detective
16 Specht, he attested to the fact that this is his
17 attestation not referring to something that a third person
18 has done. That the third person is not available. Thus he
19 is saying, law enforcement, he himself, has had the

20 Circle under surveillance, this is the property for
21 which the search warrant was issued. And that they have
22 observed themselves multiple undercover purchases of
23 illegal drugs. That they have arrested two individuals who
24 were leaving that location, who had purchased illegal
25 drugs, and who are cooperating. But, the credibility of

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1 that Affidavit does not turn on those two individuals. It
2 is the testimony of the officer.

3 And the Court finds that is sufficient at that point
4 in time. Now, whether or not that reaches a reasonable
5 doubt, and will later result and be used by the State for a
6 conviction, well, that is a different issue. The question
7 here is whether there was probable cause at the time.

8 And, the Court respectfully denies your motion,
9 finding that there is and was sufficient probable cause.

10 Anything further now with regard to this matter from
11 the State?

12 **MS. PARKER:** Your Honor, I was speaking with Ms.
13 Wise and Mr. Jones over the break, and maybe we can take
14 this matter up now. Okay, we don't have to take it up now.
15 Mr. Jones wants some time to look through and consider.

16 **THE COURT:** All right. Well let me say, we are ---
17 I am getting ready to leave the Courthouse. We have
18 summoned the jury back at 1:30. A matter we had set
19 earlier has resolved, and so what I intend to do is come
20 back at 1:30, kick off the trial, and be ready for the
21 jury. But, is there something that we need to come back
22 earlier and decide?

23 **MR. JONES:** Maybe ten minutes, Judge. I need to
24 look at one additional thing.

25 **THE COURT:** All right. Well, we will try to be

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1 back around 1:15 to 1:20 to resolve that, so that we can be
2 prompt at 1:30 with the jury. Fair enough.

3 And, of course, if Mr. Edwards is not here, if you
4 wish for me to give some type of cautionary instruction, or
5 comment to the jury about that, I would ask that the
6 defense to propose such a instruction and let the State
7 look at it.

8 MS. WISE: Yes, sir. Thank you, Your Honor.

9 MR. JONES: Thank you.

10 THE COURT: Very good. We will be in recess until
11 that time.

12 (Whereupon, a recess was taken from 1:15
13 p.m. until 1:24 p.m.)

14 THE COURT: All right. Counsel, I am told that we
15 have some issues to take up before we bring in the jury in
16 the case of The State versus Rudolph Edwards. I also
17 wonder if our bondsman is present in this case?

18 MS. WISE: I am not seeing him.

19 MS. PARKER: I have not seen Mr. Wilhelm.

20 THE COURT: All right. Let's go ahead and begin.
21 We have certain issues. Are you ready, or do you need Mr.
22 Jones?

23 MS. WISE: I am ready, and Ms. Wooten is putting in
24 another call to the bondsman to see where he might possibly
25 be at.

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1 **THE COURT:** Very good. First of all, lets just go
2 on and begin this case. Again, we are outside of the
3 presence of the jury.

4 So, the record will be clear, tell us what efforts
5 have you made yourself, and the Public Defender's Office to
6 locate Mr. Edwards, and what discussions you have had with
7 him, and in those discussions, what notice have you given
8 him of this proceeding?

9 **MS. WISE:** Your Honor, we first received notice
10 that Mr. Edwards was on the trial list on March 18, 2013.
11 When we received that notice from the Solicitor's Office,
12 we attempted calling him on that day. We were unable to
13 get in contact with him. We left a message at a number
14 that he had. The next day we received a number from his
15 wife. She gave us a new contact number. On March 19, I
16 believe it was, Mr. Jones, explained to her that her
17 husband was on the trial list for this week, and they were
18 fully aware and prepared. We have been in correspondence
19 with him since then. I can give you --- If you would like
20 to know the substance of each conversation, I can give you
21 the substance. It has been one, two, three, four, five,
22 six, seven, eight, nine, ten, eleven, twelve, thirteen ---
23 We have thirteen times on record where we have been in
24 contact with him since then. He was fully aware that he
25 was suppose to be have been here yesterday. The last

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1 contact that I had with him was on --- I didn't have it
2 personally, but on Friday he did leave a voice mail for me
3 saying that he would see us in court on Monday, and he is
4 not here. I have attempted to call him multiple times
5 yesterday. The last time I attempted was 8:30 last night.
6 We called all numbers we have on file. We called his
7 bondsman yesterday. I spoke with his bondsman again this
8 morning. To my knowledge, as of right now his bondsman has
9 been unable to reach him.

10 **THE COURT:** Okay. And, have there been efforts on
11 behalf of the State, other than the notice in this matter
12 for trial, Ms. Parker?

13 **MS. PARKER:** No, Your Honor. We just provided the
14 trial list to the defense. I do believe --- I have been
15 shown that our assistance, Ms. Doris Addison, that works in
16 our office, said that Rudolph Edwards was on the phone. At
17 one point last week, I didn't take a call or talk to him,
18 but he was asking our office, am I suppose to be in court
19 on Monday? And she told him yes. He called our office and
20 was carrying on a little bit, but Ms. Dori Addison did tell
21 him he was to be in court on Monday.

22 **THE COURT:** Well, apparently not only has he heard
23 it multiple times from his own counsel, but he confirmed
24 that himself with the Solicitor's Office and was advised of
25 the same.

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1 Now, did either of the lawyers, or any of the
2 investigators see Mr. Edwards yesterday at any point?

3 **MS. PARKER:** No, sir.

4 **THE COURT:** I know Ms. Wise said that she did not
5 see him yesterday. Has anyone seen Mr. Edwards at the
6 courthouse?

7 All right. Then let's let the record reflect that
8 everyone says no. Everyone has been searching for Mr.
9 Edwards. He is well aware of this proceeding today. He
10 has chosen not to come. In fact, apparently has
11 affirmatively chosen to elude his lawyers and the efforts
12 of counsel to bring him to the courthouse.

13 **MS. WISE:** Your Honor, if I might interrupt, and I
14 apologize. He was actually noticed back in January,
15 originally on the trial list. So, as early as January, he
16 was aware that his trial would be coming up. Myself, as
17 well as Mr. Jones, who has spoken with him countless times,
18 letting him know he is on the call of the Court. He has to
19 be here when called for his trial, and that we were fully
20 prepared to try his case.

21 **THE COURT:** All right. Now, Mr. Jones, I believe
22 you may have an issue, you and Ms. Wise together, prior to
23 the trial that we need to resolve.

24 **MR. JONES:** The only issue, Your Honor, all of our
25 previous discovery information received from the

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1 Solicitor's Office indicated that this was a possession of
2 marijuana with intent to distribute first. I got the
3 Indictment sometime last week, and in fact did not confirm
4 until yesterday that it is actually indicted as a third.
5 The only concern that I have there is, I am not sure that
6 Mr. Edwards has been given that information, for what it is
7 worth. He knows of the charge. He, from the start said
8 that he did not want to plea to anything. But, all of our
9 previous information indicated this was a first until we
10 reviewed the Indictment, which is actually Indictment ---
11 the CDR code is for a third. And that is the only concern
12 that I have, Your Honor.

13 **THE COURT:** And so our record will reflect, and
14 counsel is fully aware of the distinction. Tell us, what
15 is the penalty for first as opposed to third with regard to
16 marijuana?

17 **MR. JONES:** First, I believe is a zero to five.
18 Third is a minimum five, maximum twenty.

19 **THE COURT:** All right. And, is that typically
20 something that you would expect to be in the Indictment,
21 Mr. Jones?

22 **MR. JONES:** I think that I would expect to see it
23 if we had been dealing with other information that
24 indicated that it was a first. And we did have several
25 pieces of correspondence. Well, beginning with the bond

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1 information, the appearance date, the warrants don't
2 indicate that it is a third. And then we actually had a
3 plea offer sheet from the Solicitor's Office which
4 indicated that it was charged as a first.

5 **THE COURT:** All right. And again for completeness
6 of this record, what was the plea offer made by the State
7 to the defendant?

8 **MR. JONES:** What was the offer?

9 **THE COURT:** Yes, sir.

10 **MR. JONES:** It was six months, Your Honor. A jail
11 sentence of six months.

12 **THE COURT:** And was the defendant made aware of
13 that offer?

14 **MR. JONES:** Numerous times. Numerous times.

15 **THE COURT:** All right. And, now, Ms. Parker, do
16 you want to be heard on what notice the defense has been
17 given about the fact that this is at least currently
18 prosecuted as a third offense?

19 **MS. PARKER:** Yes, Your Honor. That PWID marijuana
20 Indictment includes the Code 0188 for third offense, and
21 also cites the statute for --- they probably appear to be
22 the same. We don't put the language in the actual text of
23 the Indictment itself that it is a third offense, because
24 that could be prejudicial if the Indictment is seen by the
25 jury. It is my understanding, that we don't have to prove

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1 it is third offense as an element in front of the jury.
2 That is simply for enhancement purposes. The defense was
3 given possession of the Defendant's NCIC rap sheet, and
4 that shows several, several drug priors on his record.
5 And, it is just a misunderstanding. I didn't --- They were
6 provided his record, and it was indicted as a third.

7 **THE COURT:** Then Mr. Jones, my response to you is
8 that that is a sentencing matter. That would not be
9 mentioned in the underlying prosecution. It is certainly
10 not necessary as an element of proof.

11 And I will let you, in the event there is a conviction
12 --- Well, I should first say, in the event there is a non-
13 conviction, it is not an issue.

14 **MR. JONES:** Yes, sir.

15 **THE COURT:** If there is a conviction, then we will
16 take it up in a sentencing hearing at that time.

17 **MR. JONES:** Thank you.

18 **THE COURT:** All right.

19 **MS. WISE:** Thank you, Your Honor.

20 **THE COURT:** Now, is there anything further before
21 we stand down and complete the marking of the exhibits, and
22 await the arrival of the last of the jurors, so that we can
23 begin the trial. Is there anything from the State?

24 **MS. PARKER:** I just had some things for Pam to
25 mark, but other than that.

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1 **THE COURT:** Anything from defense?

2 **MS. WISE:** Nothing, Your Honor.

3 **THE COURT:** Let's go off the record then, and we
4 will wait a few moments while we are marking exhibits.

5 (Whereupon, court reconvenes at 1:29 p.m.)

6 **THE COURT:** All right. Mr. Wilhelm, we are going
7 to talk with you about Mr. Edwards.

8 **WHEREUPON, MR. WILHELM**

9 **AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS**

10 **MR. WILHELM:** I do.

11 **THE COURT:** Good afternoon, how are you today?

12 **MR. WILHELM:** Good. How are you.

13 **THE COURT:** Good. Good afternoon. We have just
14 talked with counsel about their efforts to bring Mr.
15 Edwards here today, and their communications with him. Can
16 you tell me what efforts you have made to try to find Mr.
17 Edwards and bring him to us today?

18 **MR. WILHELM:** Today?

19 **THE COURT:** Well, at any time.

20 **MR. WILHELM:** I actually did a little exploring
21 when I heard about it an hour or two ago. He is on
22 disability. I did not know that he was in Florida. I just
23 started looking, and I just got his paperwork and stuff a
24 couple of hours ago.

25 **THE COURT:** Did you believe he was in the State of

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1 Florida?

2 **MR. WILHELM:** Well, what I heard Friday. That was
3 the first, I checked the address.

4 **THE COURT:** Has he tried to make contact with you
5 on any periodic basis?

6 **MR. WILHELM:** No. I don't know if he -- Ms. Brown
7 was contacting J.P. for a while, but she quite. I called
8 Jimmy back, and didn't get him. He said he called her, and
9 she called him a few times last year.

10 **THE COURT:** You have been unable to find Mr.
11 Edwards today, and you have had no recent contact with him.
12 Would that be correct?

13 **MR. WILHELM:** That would be correct.

14 **THE COURT:** All right, very good. And thank you
15 for giving us the benefit of that information as we begin
16 this trial in absence.

17 Do you have anything else that you wish to say about
18 this matter?

19 **MR. WILHELM:** With being on disability at forty-
20 eight years old, he shouldn't be hard to find.

21 **THE COURT:** Thank you for coming forward today and
22 giving us that information. Have a good day.

23 **MR. WILHELM:** Thank you.

24 **THE COURT:** Very good. Does the State or the
25 defense have any questions for Mr. Wilhelm?

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1 **MS. WISE:** None from the defense, Your Honor.

2 **THE COURT:** Have a good day, sir. All right. We
3 are waiting on one juror, so we will just wait until we
4 have all thirteen, and then we will be ready to go forward.

5 And while we are waiting and off the record, counsel
6 how long do you believe that the State's case is going to
7 take to put up?

8 **MS. PARKER:** I would say no more than an hour and
9 fifteen minutes.

10 **THE COURT:** All right. So, most likely we will go
11 to the jury on this case this afternoon on this case?

12 **MS. PARKER:** Yes, sir. I am expecting that. The
13 jury will get it today.

14 **THE COURT:** And, does the defense anticipate
15 calling any witnesses?

16 **MS. WISE:** No, Your Honor.

17 **THE COURT:** Thank you.

18 **(PAUSE.)**

19 **THE COURT:** Please bring in the jury.

20 (Whereupon, the jury enters the courtroom at
21 1:35 a.m.)

22 **THE COURT:** All right. Ladies and gentlemen,
23 welcome to the courtroom. Good afternoon.

24 **JURY:** Good afternoon.

25 **THE COURT:** I trust you had a nice evening

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1 yesterday, and thank you for checking the message
2 information line over the lunch hour today, and being here
3 at 1:30 today. The case that was in front of you has
4 resolved, and now we move forward into the trial of this
5 case.

6 We are going to begin by you accepting the oath as
7 jurors in this particular case.

8 **CLERK OF COURT:** Thank you, Your Honor. If you
9 would please stand and raise your right hand for me.

WHEREUPON THE JURY WAS SWORN**AT 1:40 P.M. ON TUESDAY APRIL 2, 2013**

11 **THE COURT:** All right. Then let's let the record
12 reflect that everyone is seated, thus everyone has accepted
13 the oath. And, let me ask ladies and gentlemen, since we
14 were last together, is there any member of the jury panel
15 who has had a discussion about the facts of this case with
16 anyone? If so, please raise your hand. And, let's let the
17 record reflect that no one has raised their hand. Thank
18 you for complying with the Court's request in that regard.

INTRODUCTION TO THE CASE

19 **THE COURT:** What I want to do now is discuss with
20 you a few things that I call the introduction to the trial
21 of a criminal case. These are a few things that I think
22 you need to know going into the case. This is not intended
23 to take the place of a more detailed charge on the law that
24
25

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1 I will give you at the end of the case. In fact, the last
2 person you will hear from before you retire to deliberate
3 will be the judge giving you the charge on the law. But,
4 these are just a few things that I think we need to know,
5 and make sure that we understand among ourselves up-front.

6 Obviously, this is a criminal case. We discussed this
7 yesterday. This is not a civil matter. This is a criminal
8 case, where the State has charged an individual with a
9 crime. Of course, as you are aware, this is the case of
10 The State versus Rudolph Isreal Edwards, and he is charged
11 with possession of marijuana with intent to distribute.

12 Now, the case is based on an Indictment. And I
13 discussed with you yesterday, the fact that the Indictment
14 is simply a document. It is a piece of paper by which the
15 prosecution commences a criminal prosecution against the
16 defendant, against any individual. What is in here is not
17 to be accepted as evidence. These are simply a set of
18 allegations that are brought against the defendant.

19 Now, you heard counsel for the defendant enter a plea
20 of not guilty to the Indictment yesterday. That joins the
21 issues for trial. And we chose you, as a jury, that is
22 well capable of deciding these issues. And so, today in
23 this trial the State has the burden of proof. The
24 defendant never has the burden of proof. The State has the
25 burden of proof of proving each of the essential elements

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1 of a crime charged beyond a reasonable doubt. And that is
2 a fairly high standard. And the purpose of this trial is
3 to determine whether or not the State can meet that high
4 burden. Please remember the defendant entered a plea of
5 not guilty. But, even if the defendant entered no plea,
6 the defendant is presumed innocent of these charges unless
7 and until the State can produce evidence beyond a
8 reasonable doubt that satisfies, you the jury, that the
9 defendant is guilty of the crime for which the defendant is
10 charge.

11 Now, let's talk a little bit about our roles here.
12 And, let me just mention mine first if I may. Mine is not
13 as important as yours, but I will just mention it first. I
14 am the judge of the law, which means, as your presiding
15 officer, if there is some dispute about the proceedings, or
16 the testimony, or the evidence, then I will resolve those
17 disputes and we will move forward. And at the end of the
18 case I will give you the charge on the law. So, I am the
19 judge of the law. But, ladies and gentlemen, you are the
20 judges of the facts. And what that really means is,
21 collectively you will listen to the evidence put forth in
22 the courtroom right here from this witness stand. You
23 determine what the facts are. You apply those facts to the
24 law that I give you, and from that working together is how
25 we will reach a verdict in this case. Just in a nutshell,

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1 that is how the process works.

2 Now, I will tell you one of the things you have to do,
3 or will have to do as the judges of the facts is, if you
4 hear the testimony that seems maybe sometimes inconsistent,
5 sometimes mutually exclusive from different witnesses, you
6 are going to have to determine which of the witnesses is
7 the most credible, and more credible and believable in
8 order to determine what the facts are. I haven't heard the
9 evidence in the case, just like you have not. So, I don't
10 know whether or not there will be evidence which may seem
11 inconsistent or sometimes mutually exclusive. But, if
12 there is, then you should gauge the credibility and
13 believability of the witnesses in order to determine which
14 of the witnesses should be believed. Now, if you think
15 about this, it is not really complicated. We do this
16 everyday, all day. As we talk with adults, or we talk to
17 children, we gauge these individuals for credibility and
18 believability to what they are telling us. And, you should
19 use those same common sense factors that you use in
20 everyday life here in the courtroom.

21 Some other things that you might want to look to is,
22 what is the demeanor of the witness when they testify? Are
23 they hesitate? Are they straightforward? What is that
24 witness' ability to know what they are in here talking
25 about? And, is the witness' testimony consistent with

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1 itself, and is it weakened or strengthened by other
2 evidence in the case. And, then further, in light of the
3 global evidence, how reasonable is what a witness is
4 testifying to? And finally, might there be a reason that a
5 witness may want to help or hurt one side or the other side
6 of the case? Might that witness have a bias or a
7 prejudice? These are things that I tell you in advance, so
8 you can consider them while the witnesses are testifying.
9 That is why the witnesses sit right here, and you sit right
10 where you are, so you can closely observe and hear their
11 testimony.

12 Now, let's talk a little bit about this process that
13 we are going to engage in. When I finish these comments in
14 just a moment I am going to conclude these remarks, both
15 sides are going to come before you in opening statement.
16 Opening statement is not some big persuasive event, like
17 you might think of from television. It is just an
18 opportunity for the lawyers to tell you what they believe
19 the evidence either will or will not show, and what burden
20 of proof the State has to reach, and things of that nature.
21 And after the lawyers finish opening statements, then the
22 State, which has the burden of proof, will begin calling
23 their witnesses, one after another. And every time the
24 State call a witness, that witness will be subject to
25 direct examination by state's counsel, that is the lawyer

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1 who called the witness, and then cross examination by
2 defense counsel. And we will complete, one after another,
3 the State's witnesses. The State goes first, because the
4 State has the burden of proof. In fact, I have mentioned
5 this to you before, and I don't want to sound like a broken
6 record, but the defendant Has no burden of proof. One of
7 the traditions in our courtroom is that the party with the
8 burden of proof sits closest to the jury. And, if you will
9 look out into the courtroom arena you will see that the
10 prosecution is seated at the table closest to you. And if
11 you watch during the trial, they will not be switching
12 seats and moving to the other side of the courtroom,
13 because they will retain the burden of proof throughout the
14 trial.

15 Now, after the State completes their case, that is
16 call all of their witnesses and have both direct and cross
17 examination, then we move to the Defendant's case, and the
18 defendant is given an opportunity to put up a case if they
19 wish to do so. But, as I said yesterday, please remember,
20 the defendant is not require to testify. The defendant is
21 not required to put up a case, or defend these charges,
22 because the defendant has no burden of proof. The burden
23 of proof is always on the State, and it never shifts. In
24 fact, I will tell you ladies and gentlemen, that the
25 defendant is not even required to appear at trial, and you

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1 may notice at the defendants table that the defendant is
2 not seated at the Defendant's table. And, I will tell you
3 that the defendant has been summoned here at the
4 courthouse, but he is not present today. We have also
5 called for him here inside the courthouse to make sure that
6 he is not present. But, I will say to you, that the
7 failure of the defendant to appear should not be construed
8 as evidence of guilty. That has nothing to do with the
9 Defendant's guilt, and should not be considered by you as
10 evidence of guilty or innocence for that matter. You
11 should listen to the testimony and the proof of the State
12 with regard to the essential elements of the crime charged,
13 and make your decision based on that, regardless of whether
14 the defendant should appear or not appear for purposes of
15 trial.

16 Now, after all of te testimony, because after the
17 Defendant's witnesses testify, all the testimony is closed.
18 The lawyers come before you in closing statement, which is
19 an opportunity for the lawyers to persuasively tell you
20 what they believe the evidence has or has not shown. And I
21 will give you the charge on the law, and you retire to
22 deliberate. So, that is how this process works. And,
23 counsel tells me that based on the number of witnesses,
24 they believe that beginning this trial at 1:30 this
25 afternoon, we may actually finish it this afternoon and

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1 give it to you to deliberate, so that you will have time to
2 do that and still be finished by the end of the business
3 day. Now, that doesn't mean that this case is any less
4 important than any other case that may take days or weeks
5 to try, because this is the parties, the State's, and the
6 defendants one day in court. So, please don't think that
7 the brevity of the case somehow impacts the importance of
8 it. It does not.

9 Now, a couple of things. I normally go about an hour
10 and a half or so before I take a break. But, we never know
11 to the minute when that is going to happen, because it
12 depends on where we are in the testimony. However, if you
13 need to take a break before we reach that point, please do
14 not hesitate. If you will raise your hand I will
15 understand what that means, we will stop and we will take a
16 break. We will do it right then. I do that for two
17 reasons. Number one, you are giving your time, or just
18 about giving it to perform a high public purpose, an
19 important civic duty. I want you to be comfortable about
20 what you are doing. But secondly, I don't want you worried
21 about something else. I want you to be able to listen to
22 the evidence and the testimony, and focus on the issues in
23 the case. So, don't hesitate to stop us if you need to
24 take a break. And, when we do take a break, ladies and
25 gentlemen, please, don't go back and discuss the case.

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1 That would not be appropriate. If we took for example our
2 first session and took a witness or two, and then the jury
3 went back and the jury made some decision that then drove
4 the rest of the case without hearing all of the witnesses,
5 and without hearing all the evidence. It would be unfair.
6 So, please do not discuss the case among yourselves until
7 it is given to you for deliberation.

8 Now, a couple of other points, and I will conclude and
9 turn this matter over to counsel. We run this courtroom on
10 a system of rules that we call the Rules of Evidence, and
11 the Rules of Criminal Procedure. Well, when one side or
12 the other believes that the other is either about to or is
13 breaking those rules or is breaking those rules, then they
14 call that to my attention by an objection. Well, just like
15 you are sitting over there minding your business, I am
16 doing the same up here. And, I don't know what the
17 objections are going to be, or when they are going to come.
18 But, when they do, just while we are all here in the
19 courtroom together, I will rule on those, and my ruling
20 will be based on my training in South Carolina procedural
21 and substantive law, my experiences in the courtroom for
22 many years as a judge, and even before becoming a judge.
23 But never do I somehow rule on an issue to send you a
24 message about how I feel about a particular issue. Please
25 understand, I don't have a position on the facts in this

OPENING STATEMENT BY MS. PARKER

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1 case. Because if I did, I would be invading your
2 providence. You are the judges of the facts, not me. And
3 so please, take no inference from any rulings you may see
4 occur here during the course of this trial. It is simply a
5 matter that had to be decided at the moment, called to the
6 Court's attention by an objection, and it was resolved in
7 that fashion.

8 Now, ladies and gentlemen, thank you for appearing
9 today. I look forward to working with you in this matter.
10 And, at this time the Court recognizes the prosecution,
11 State's counsel for opening statement.

12 **MS. PARKER:** Thank you, Your Honor, May it, please
13 the Court.

14 **THE COURT:** Ms. Parker.

OPENING STATEMENT BY MS. PARKER

15 **MS. PARKER:** Ms. Wise, Mr. Jones, Ms. Wooten.
16 Ladies and gentlemen of the jury, good afternoon. You were
17 certainly called back here on short notice, but I would
18 like to thank you for being here and let you know, as the
19 Judge has just said, that your presence here today enables
20 us to move forward on a matter that otherwise we would not
21 be able to go forward on. And it brings resolution to Mr.
22 Edwards' charges.
23

24 Now, as the Judge said, he is charged with possession
25 with intent to distribute marijuana here in Darlington

OPENING STATEMENT BY MS. PARKER

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1 County. The State intends to prove here this afternoon
2 that Mr. Edwards possessed marijuana. And in fact, it was
3 a substance that was marijuana. It was in his possession,
4 at his residence, and he had that marijuana with the intent
5 to distribute it. Based on the evidence, you will hear
6 about little small baggies that were found in his
7 residence, along with a digital scale.

8 Now, you may be thinking, how did we find all of this
9 stuff at his residence? Mr. Edwards' home was subject to a
10 search warrant that law enforcement executed, and they went
11 to his house on January 13, 2012 and executed the search
12 warrant, where the evidence was found that reads and arises
13 to these charges that we are here on today. An Indictment,
14 like the Judge says, is simply a piece of paper. It is not
15 evidence against the defendant. You will hear the evidence
16 from the witness stand. And the State intends to prove
17 through the evidence that was collected from his house, and
18 also to show the video of when the search warrant was
19 executed. Law enforcement officers often wear video
20 cameras, and in this case that was the case. So, you will
21 see Mr. Edwards on video here today, shortly.

22 But, once again, I would like to thank you for being
23 here. And, I apologize if this may not be as exciting as
24 it is on tv. I don't think tv does our profession justice.
25 It is just not realistic at all to what we do day-to-day.

OPENING STATEMENT BY MS. PARKER

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1 I work for the Solicitor's Office here in Darlington
2 County. My boss is the elected Solicitor, and he is
3 actually over four counties, Darlington, Chesterfield,
4 Marlboro, and Dillon. I work primarily on Darlington
5 County, and you know, we have had probably more exciting
6 trials than this one, but they don't usually get as
7 exciting as what you see on tv. In this case we will see a
8 little bit of excitement in the evidence as far as the
9 marijuana being analyzed. But, you know, this is not a
10 sophisticated case with DNA, fingerprints, and things like
11 that, and so forth. So, I just ask that you be patient
12 with us, and listen as we go through the witnesses today,
13 as I call the witness that you will hear from. And most
14 importantly, I would like to ask that you just use your
15 collective common sense. You heard the Judge use that
16 term, that is your common sense together. Your life
17 experiences. You all come from different backgrounds,
18 different situations, and we have younger individuals,
19 older individuals, but put together the best thing that you
20 bring to the table is your common sense. And when you hear
21 all of the evidence, and all of the testimony, and see the
22 evidence, and most importantly you will see the video; I
23 believe you will find the defendant guilty as charged, of
24 possession of marijuana with intent to distribute.

25 We look forward to working with you this afternoon.

OPENING STATEMENTS BY MS. WISE

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1 My comments have been very brief. I believe Ms. Wise is
2 going to come up and speak on behalf of the defense. But,
3 hopefully we will be able to finish this matter this
4 afternoon.

5 I thank you.

6 **THE COURT:** Now, opening statements for the
7 defendant.

8 **MS. WISE:** Thank you, Your Honor.

9 **THE COURT:** Ms. Wise.

OPENING STATEMENTS BY MS. WISE

10
11 **MS. WISE:** Counsel, ladies and gentlemen of the
12 jury. My name is Christy Wise, and I am from the
13 Darlington County Public Defender Office. I am here today
14 on behalf of Mr. Rudolph Edwards. You will see two other
15 attorneys from our office, Mr. Rick Jones, and Ms. Wooten
16 also here in the courtroom with us today.

17 I sincerely appreciate all of y'all being here, and
18 giving of your valuable time and services. Thank you.

19 Every truth has two sides. It is as well to look at
20 both before we commit our self. Today, this is what I ask
21 each and every one of you all to do. Please, listen to the
22 other side of this story. We are here only because Mr.
23 Edwards is charged with possession with intent to
24 distribute marijuana. I believe that during the course of
25 the day you will see that the evidence is not there to

OPENING STATEMENTS BY MS. WISE

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1 sustain this conviction, that Mr. Edwards is not guilty of
2 the crime in which he is charged. I am not trying to
3 discredit the prosecution. I am not trying to discredit
4 law enforcement. I am simply trying to show the truth.
5 Before I talk with you about what I believe the truth to be
6 though, I want to make one fact perfectly clear. We do not
7 contest the fact that marijuana was found in Mr. Edwards'
8 home. You will see a video attesting to that, as Ms.
9 Parker just described. I agree that this happened. I am
10 not making any excuses for it. But, that however, is not
11 the issue in this case. The only issue here is, did Mr.
12 Edwards possess that marijuana with the intent to
13 distribute it? In other words, ladies and gentlemen, are
14 the events that the prosecution --- the prosecution relay
15 to you surrounding the date of January 13, 2012 true?
16 Please remember, we as the defense do not have to prove a
17 thing. This brings me to important things that the Judge
18 has already touched upon. The two things that I ask that
19 you keep in mind during the course of this entire trial.

20 First, in a criminal case the prosecution, the State,
21 has the burden of proof. This burden never shifts to the
22 defendant. The constitution requires the State to prove
23 each and every element of the offense of which Mr. Edwards
24 was charged beyond a reasonable doubt. We, again, as the
25 defense, do not have to prove a thing. You, as the jury,

OPENING STATEMENTS BY MS. WISE

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1 can not convict Mr. Edwards unless you are satisfied beyond
2 a reasonable doubt that he is in fact guilty.

3 Second, is what is called presumption of innocence.
4 As a criminal defendant, Mr. Edwards, is presumed innocent
5 until proven guilty. Let me repeat that. Mr. Edwards is
6 presumed innocent until proven guilty.

7 I ask you, ladies and gentlemen, to withhold your
8 judgment until you have heard all of the evidence from
9 all of the witnesses. I am confident upon hearing all of
10 the evidence, you are going to render a verdict that is
11 fair and impartial. I believe that the prosecution will
12 not be able to prove beyond a reasonable doubt, that Mr.
13 Edwards possessed that marijuana with the intent to
14 distribute it. I suspect that after you deliberate and
15 carefully weigh all of the evidence, that you will return
16 the only possible verdict. A verdict of not guilty.
17 Thank you.

18 **THE COURT:** Prosecution, please call your first
19 witness.

20 **MS. PARKER:** Thank you, Your Honor. At this time
21 the State calls John Specht.

22 **THE COURT:** Please come forward and take the oath
23 of a witness.

24 **WHEREUPON, JOHN SPECHT**

25 **AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS**

JOHN SPECHT - DIRECT EXAMINATION

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1 MR. SPECHT: I do.

2 DIRECT EXAMINATION BY MS. PARKER

3 Q. Good afternoon. Please state your full name for the
4 record.

5 A. My name is John Specht.

6 Q. Okay. And where are you employed?

7 A. I work for the Hartsville Police Department. I'm
8 currently attached to the Darlington County Sheriff's
9 Drug Enforcement Unit.

10 Q. Okay. We may need to adjust your microphone a little
11 bit.

12 A. Okay. Like that?

13 Q. That's better. That's better. And tell us again what
14 your position is on the - obviously you're on the drug
15 enforcement unit?

16 A. I'm assigned to the Drug Enforcement Unit at the
17 Darlington County Sheriff's Department.

18 Q. And tell us a little bit about your day-to-day duties
19 in that position.

20 A. Day-to-day, typically what we're assigned to do is to
21 in general, to locate --- identify and locate people
22 that are involved in the sale and distribution of
23 narcotics, illegal drugs.

24 Q. And I want to bring your attention to this case at
25 hand, Circle, Hartsville. Can you tell us a

JOHN SPECHT - DIRECT EXAMINATION

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1 little bit about that particular residence?

2 A. January of 2012, we had an ongoing investigation. It
3 revolved around this residence at Circle.

4 On January the 11th, I think it was, I obtained a
5 search warrant from Darlington County Magistrate,
6 James Thomas, who is the magistrate in the Hartsville
7 area. It was actually on the 12th when I obtained a
8 search warrant for this residence, with the intent of
9 discovering evidence of distribution of marijuana
10 taking place at that location.

11 MS. PARKER: Your Honor, may I approach the
12 witness?

13 THE COURT: Yes, you may.

14 Q. I'm showing you what's been marked Court's Exhibit
15 number one. Do you recognize that document?

16 A. I do. This is the search warrant that I obtained from
17 Judge Thomas on January the 12th.

18 Q. And once again, what was the address for that search
19 warrant?

20 A. Circle. It's in the Hartsville area of
21 Darlington County.

22 Q. Can you tell us what type of property were you seeking
23 to find? And you don't have to read that verbatim.
24 Just phrase it in your own words.

25 A. There's a long list of items, but basically it was

JOHN SPECHT - DIRECT EXAMINATION

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1 money that was --- it was money that originated from
2 us, where the head guy there during processing the
3 investigation are drugs, scale, paraphernalia, large
4 amounts of other currency, firearms, stolen property.
5 Things that are associated with the drug trade.

6 Q. Now, tell us now when that search warrant was served?
7 When did y'all execute that particular search warrant?

8 A. January the 13th 2012.

9 Q. And tell us about the plan, and who all went with you
10 and so forth, from the beginning.

11 A. Okay. We planned this ahead of time. I informed the
12 other members of the unit. There were some others
13 that were in the unit that aren't here, because they
14 weren't particularly relevant to this case. We all go
15 as a large group. We had a plan ahead of time. We'd
16 draw a map on the board. And here's what the
17 residence looks like. And here's where you're going
18 to go. And here's where you're going to go, so we can
19 secure his residence safely without anybody getting
20 hurt. The drug enforcement unit went on January the
21 13th to his residence, and we secured this residence.
22 There were three people inside when we arrived. They
23 were taken into detention just to be secured, so they
24 couldn't hurt anybody, and nobody would be injured,
25 and then we began our search from there.

JOHN SPECHT - DIRECT EXAMINATION

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1 Q. Okay. And just for people who aren't real familiar I
2 guess with law enforcement, what does that mean when
3 you said you took them into detention? I mean
4 physically, what do you do to secure the scene and to
5 make sure no one gets hurt?

6 A. Anybody that's on the property is handcuffed, and we
7 search the area, and we sit them down, and they're
8 seated on the couch or a chair, somewhere inside the
9 residence while we're there just to ensure that
10 nothing happened to us.

11 Q. Okay. And tell us a little bit about the procedure
12 before you entered the residence.

13 A. We would meet somewhere else that we decided a head of
14 time. As I said, we had maps and things on the erase
15 board --- a dry erase board that we draw out. We team
16 up into whichever vehicles we decide on, and we drive
17 to the residence and execute the search warrant.

18 Q. What do you do when you first get there?

19 A. We pull up in assigned spaces, and then whoever is on
20 entry goes to the door that we decide to breach to get
21 inside, and they go to that door. And sometimes we
22 knock, sometimes we don't, but usually the door gets
23 kicked in or knocked in.

24 Q. And what door did y'all decide to go in on this
25 particular residence?

JOHN SPECHT - DIRECT EXAMINATION

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1 A. This particular residence was I guess you call it the
2 front door, but it was really on the --- it was a
3 mobile home turned long ways, and it was the door on
4 the left side. There's a wheelchair ramp that
5 appeared through our intelligence gathering prior to
6 this to be the primary entrance and exit for that
7 residence.

8 Q. Okay. And once y'all entered, tell us about what
9 happened after you entered the residence.

10 A. We entered the residence. As I said, there were three
11 people in there, the defendant and two other
12 individuals. They were secured. There were some
13 evidence out in plain view already. Some of the
14 things that we were looking for. As I said the scale,
15 paraphernalia, there were some prescription bottles on
16 the coffee table in the living room. There was a
17 digital scale on the coffee table in the living room.
18 We go inside. We identify the person that's in charge
19 of the property, which in this case was the defendant,
20 and we began to speak to him about --- we read him the
21 search warrant. We explain to him his Miranda rights,
22 and talk to him about what we're doing there, and what
23 we intend to do.

24 Q. And in this case you referred to the defendant. Who
25 was he identified as?

JOHN SPECHT - DIRECT EXAMINATION

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1 A. Rudolph Isreal Edwards.

2 Q. He was the one in charge of this particular residence?

3 A. Yes, ma'am.

4 Q. And tell us a little bit about --- you'd mentioned
5 earlier if you know about video. Tell us a little bit
6 about video that we have from the disc that day that
7 depicts the events.

8 A. You'll hear more, I think, from another witness about
9 that, but typically we wear --- we all have cameras
10 that attach to our --- mine's attached to my ray vest,
11 which is my body armor with some pockets and stuff on
12 it. It's a little camera that activates with a push
13 button. It a recording we use on traffic stops or we
14 use it when we're sometimes --- if we're interviewing
15 someone, we'll take the camera and set it on the
16 table. We use it for lots of different things. But
17 we prefer using it during search warrant executions,
18 also to record the facts and record the things that
19 happen when we're doing that.

20 Q. And when y'all got in the house, did y'all find ---
21 tell us about if you found any narcotics, and where
22 were they located?

23 A. During our interview with the defendant inside the
24 house, he was Mirandized. He was read his Miranda
25 rights. He took ownership of the --- he pointed out

JOHN SPECHT - DIRECT EXAMINATION

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1 where the drugs were in the house. He told us that
2 they were his, and to exclude the other two that were
3 there. He didn't want them to be in any trouble for
4 the things that we may have found. He was cooperative
5 and pointed us to where his marijuana was hidden.

6 Q. And where was it found?

7 A. It was in the northern most bedroom. It was a bedroom
8 on one end of the mobile home. He pointed out to one
9 of the other agents where it was, and they went and
10 retrieved it.

11 Q. And did you take possession of that evidence?

12 A. Yeah, they --- the evidence --- typically when we're
13 doing these search warrants we'll gather all of our
14 evidence in one place, along with our camera, or our
15 gear, or whatever, so we don't leave anything behind.
16 The evidence that we gathered in this case was put
17 together on that same coffee table where that scale
18 was so we could package everything and make sure we
19 had everything when we left. So, that's where the
20 marijuana was placed until we were ready to leave.

21 Q. So, who packaged the marijuana and dropped it into
22 evidence in this case?

23 A. I packaged all the evidence in this case.

24 Q. Okay. And once that marijuana was packaged into
25 evidence, tell us a little bit about recently if

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1 you've done anything with it, or signed it out.

2 Explain where the evidence goes and when they drop it
3 into evidence. Explain to the jury what that means.

4 A. We have a secure location, in this case it's at the
5 Sheriff's Office. It's a wooden box with a little
6 slot in it. It's kind of like a mailbox, if you will.
7 We can put things in it, but only certain people can
8 get those things out. I took the evidence in this
9 case and I packaged it appropriately, and I took it
10 and dropped it in that slot, and signed on the log for
11 the evidence technician to take possession of it and
12 secure it where they keep the evidence. One day last
13 week, I think it was about Thursday, I was asked to
14 sign that evidence out from the evidence technician
15 and have the marijuana analyzed just to be able to say
16 that, yes, this is marijuana and not some other green
17 plant substance. I signed that marijuana out. I
18 carried it over to the Hartsville P.D. I'm a
19 marijuana analyst. I'm a certified analyst also, but
20 we typically don't analyze our own cases. So ,I got
21 one of the other analysts to do it on my behalf, and I
22 was right there with her. It was Detective Laura
23 South with the HPD. I was right there with her as she
24 did it. While she was preparing the report we
25 realized that she is going to be on vacation this

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1 week, so she did file the analysis report. I ended up
2 taking it back to the Sheriff's Office and submitting
3 it back to evidence with the intentions of another
4 witness from the Sheriff's Office. He's also an
5 analyst. He signed it out and analyzed it, because he
6 would be here this week to testify, so it was really
7 analyzed twice.

8 Q. Is Laura here this week?

9 A. Laura is at the beach because it's Spring Break, and
10 we didn't know that when we started. When I asked her
11 to test it, we didn't know she was going to be gone
12 until --- she didn't realize it was up for trial this
13 week, and I didn't realize she was going to be gone.
14 When she was completing her analysis report for me, we
15 got to talking about it, and we kind of wasted our
16 time on that analysis and had to find another analyst
17 to do it for us that would be here this week.

18 Q. I'm going to show you what's been marked State's
19 Exhibit 4. Do you recognize the picture, who is in
20 that picture on that particular page?

21 A. Yes, ma'am. This is a photograph of the defendant,
22 Rudolph Isreal Edwards, and it has his biographical
23 information, date of birth, social security number.
24 It has his address of record, height and weight.

25 **MS. PARKER:** Your Honor, at this time we move to

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1 have State's Exhibit 4 entered into evidence. I previously
2 discussed it with defense counsel.

3 **MS. WISE:** No objections, Your Honor.

4 **THE COURT:** Without objection then, State's 1 in
5 evidence ---- excuse me, State's 4 in evidence as the first
6 exhibit. State's 4 in evidence without objection. Go
7 ahead.

WHEREUPON, STATE'S EXHIBITS**NUMBER 4 WAS ADMITTED INTO****THE RECORD WITHOUT****OBJECTION.)**

8
9
10
11
12 **MS. PARKER:** Thank you, Your Honor.

13 Q. Agent Specht, I'm going to show you what's marked
14 State's Exhibit 2, and could you tell me, do you
15 recognize those items?

16 A. I do. These are the --- this is a digital scale that
17 I mentioned that was on the coffee table. There are
18 numerous --- dozens or more little plastic zipper
19 bags. They are common in the packaging of marijuana
20 and other drugs. They were located at the residence,
21 and these are all --- these were all secured in the
22 scene in a larger zipper bag.

23 Q. In your experience as a narcotics agents, can you tell
24 us the significance of the scales?

25 A. If we just had a small amount of marijuana and no

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1 scale, there's no inference that that person is using
2 that scale to weigh out that marijuana, where we find
3 a lot of times in these types of cases they use the
4 scale so that when they are selling that marijuana by
5 volume, they can weigh out how much to sell so it's
6 accurate. Many times they do it in front of them, the
7 person that's buying so they can show them how much
8 they're paying for it. They're very common. The
9 scales and those baggies are very common in the sale
10 of drugs.

11 Q. And do you ---

12 **MS. PARKER:** We moved State's Exhibit 2, Your
13 Honor, into evidence.

14 **THE COURT:** Is there an objection?

15 **MS. WISE:** No objections, Your Honor.

16 **THE COURT:** State's 2 in evidence without
17 objection.

18 **WHEREUPON, STATE'S EXHIBITS**
19 **NUMBER 2 WAS ADMITTED INTO**
20 **THE RECORD WITHOUT**
21 **OBJECTION.)**

22 **MS. PARKER:** At this time, Agent Specht, please
23 answer any questions that defense has.

24 **THE COURT:** Cross examination.

25 **MS. WISE:** Thank you, Your Honor.

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CROSS EXAMINATION BY MS. WISE

Q. Thank you, Officer Specht. How are you doing?

A. Very well.

Q. Okay. A couple of questions first having to do with the scale. Where did you testify that the scale was found?

A. The scale was found on the coffee table in the living room.

Q. And you have also testified that two other individuals were present in the home as well when the search warrant was executed?

A. Correct.

Q. Did anyone take responsibility for that scale?

A. I don't know specifically about the scale. The defendant claimed responsibility for it. He knew we were looking for the marijuana and knew what we were there for. He claimed responsibility because he wanted to exclude the other two that were present, because he wanted to make sure that they were excluded.

Q. Okay. And you testified that in your experience you've seen those scales sometimes used when they're dealing drugs?

A. A lot of times.

Q. Have you seen them used for other things such as

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1 measuring foods, such as measuring coins?

2 A. They're commonly available.

3 Q. Thank you. And you testified that you were the
4 individual that admitted the evidence into your actual
5 evidence log property report; Is that correct?

6 A. Yes.

7 Q. Okay. Did you prepare a written report of that
8 evidence?

9 A. Yes.

10 Q. Okay. And told you us that you signed that written
11 report?

12 A. I don't actually sign it. It's a typed form.

13 Q. Okay.

14 A. You fill out what the items are. They're numbered one
15 through whatever. Item number one may be ---- item
16 number one could have been the scale. Two could have
17 been the supply of baggies. I had filled it out --- I
18 filled out the form and attached it to the evidence,
19 and dropped the whole thing into the evidence locker.

20 Q. And as part of your career, you are --- you're
21 received training on how to prepare these reports;
22 Correct?

23 A. Yes, ma'am.

24 Q. And you were taught to prepare complete and accurate
25 reports; Correct?

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1 A. Yes.

2 Q. That's because you, as an officer, you complete these
3 accurate reports so that law enforcement, as well as
4 the solicitor's office can use it at later times;
5 Correct?

6 A. That's correct.

7 Q. All right. And one of the most important things is to
8 write down a complete and accurate description of all
9 evidence seized; Correct?

10 A. Correct.

11 Q. All right. In fact, you are probably taught to
12 document and leave a paper trail for nearly every
13 piece of evidence that you do deal with in any given
14 case; Correct?

15 A. Correct.

16 Q. And that includes documenting who is going to be in
17 charge of the evidence, who receives the evidence,
18 etc.?

19 A. I don't know who --- when I submit it to evidence, now
20 I don't have a paper trail. It's the evidence
21 technician who would be able to provide that.

22 Q. Okay. Were you the individual that placed the
23 evidence in the evidence room?

24 A. I was the individual that placed it into the evidence
25 locker.

JOHN SPECHT - CROSS EXAMINATION

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1 Q. Okay.

2 A. Which is only accessible through a slot. I can't get
3 into the evidence room.

4 Q. Okay. Can you look at this evidence property report
5 that I believe you filled out on January the 13th of
6 2012 and read to the jury what was admitted into
7 evidence?

8 A. Item number one was one digital scale with a band aid
9 that was holding the battery in.

10 Item number two was a sum of cash equaling
11 one hundred and ninety-two dollars.

12 Item number three was one plastic baggie
13 with dozens of small zipper bags used to package
14 marijuana.

15 Item number four was one Crown Royal bag
16 containing nine small zipper bags of marijuana.

17 Q. And is there a weight of the marijuana on that
18 evidence report?

19 A. No.

20 Q. Okay. Did you make any report whatsoever of the
21 weight of the marijuana at the scene?

22 A. Our incident report, which this is the evidence report
23 --- our incident report asks for weight. When we make
24 a drug case, it asks for weight, probably more for
25 statistical purposes than anything, but we do weigh it

JOHN SPECHT - CROSS EXAMINATION

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1 at that time, and I put a total weight on here as nine
2 grams.

3 Q. Okay. And on the drug testing report that Ms. Parker
4 and you just discussed, did you put a weight on that
5 report?

6 A. I didn't complete the drug testing report.

7 Q. Okay.

8 A. That's a different witness.

9 Q. I apologize. And on that evidence report log that you
10 were just referencing that I just handed to you, did
11 you sign that log, or did you fill that log out, or
12 that report?

13 A. I completed it. As you can see, it's typed. I did
14 not actually sign anything. I fill out the front, and
15 there's actually --- the real evidence form has a
16 chain of custody on the back that has my name at the
17 top, where I was the one that submitted the evidence,
18 but I don't actually put my signature on anything when
19 I do that.

20 Q. Thank you, sir.

21 **MS. WISE:** No further questions.

22 **THE COURT:** All right. When a witness is called,
23 the proponent of the witness has direct, and then you have
24 cross. If there are some new some issues are brought up in
25 cross, we can go back to the proponent for a redirect on

BEN WEATHERFORD - DIRECT EXAMINATION

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1 those new issues only. Is there redirect for the witness?

2 **MS. PARKER:** There's none, Your Honor.

3 **THE COURT:** All right. Sir, please watch your step
4 as you exit. Please call your next witness.

5 **MS. PARKER:** Thank you, Your Honor. At this time
6 the State calls Ben Weatherford.

7 **THE COURT:** Please come forward and take the oath
8 of a witness.

9 **WHEREUPON, BEN WEATHERFORD**

10 **AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS**

11 **MR. WEATHERFORD:** I do.

12 **DIRECT EXAMINATION BY MS. PARKER**

13 Q. Good afternoon. Please state your full name for the
14 Court's record.

15 A. Benjamin Weatherford.

16 Q. And where are you employed?

17 A. Darlington County Sheriff's office.

18 Q. And what's your position with the sheriff's office?

19 A. I'm on the Drug Enforcement Unit.

20 Q. Okay. Is that the same unit that Officer Specht is
21 on?

22 A. Yes, ma'am. I'm just employed by the sheriff's office
23 and on the unit, and he is employed by Hartsville City
24 and attached to the unit.

25 Q. And tell us a little bit about what you do day-to-day.

BEN WEATHERFORD - DIRECT EXAMINATION

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1 A. I do the same thing he just said. Narcotics
2 investigations, do gang investigations. Anywhere from
3 buying drugs undercover to long-term investigations.
4 If we get complaints in a neighborhood, we watch the
5 house. Anything of that sort. Anything drug related
6 we investigate to our best ability and try to put a
7 stop to it.

8 Q. And were you on the team that executed a search
9 warrant at Bills Circle on January 13th?

10 A. Yes, I was.

11 Q. And tell us a little bit about your participation in
12 that.

13 A. Again, we always --- we meet up before any Ops --- I
14 say Ops, I mean operations or do any search warrants.
15 We put together a drawing of that location so we know
16 the layout, so we know what we're running into. This
17 day and time you never know if someone is going to
18 pull a gun on us or anything else, so we're always
19 prepared, we suit up. Nine times out of ten, I'm the
20 door man. I am the one that hits the door or either
21 opens the door for the other team to go in, and I'm
22 the first one to make entry usually. On this day I
23 was door man again. We all chose to drive my vehicle.
24 I have a Tahoe, so everybody can fit in there
25 together, and I also had the ram on this date.

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1 Q. Okay. Did you knock it down?

2 A. When we got there, you'll see on the video, I knocked.
3 You will hear the defendant laughing. I announced
4 Sheriff's Office. He actually opened the door. I
5 just pulled it open, but I never had to ram it. We
6 identified ourselves, Sheriff's Office. Get on the
7 ground. Search warrant. And my team ran in and we
8 secured the three subjects in the residence.

9 Q. Okay. And once you got into the residence, tell us
10 about any property or any evidence you personally
11 recovered at the residence.

12 A. On this date, I did have my body cam on, and that's
13 the video you're about to watch. When I went inside,
14 the first thing I did was I read the Miranda rights.
15 As you will hear, the first Miranda right card I had
16 was scratched and I couldn't quite read it. We'd
17 rather read the Miranda Rights from a card to make
18 sure we're correct. Yes, I do know I've been doing
19 this a while. Half the jury probably knows it, but
20 we'd rather read it from a card. It's better for him
21 to say that they messed up, so I did get another card.
22 I read the Miranda rights. At this time, Mr. Edwards
23 says, you know, it's all mine. I take claim of
24 everything in here and he tells me, you know,
25 marijuana is in the bedroom in a purple bag, purple

BEN WEATHERFORD - DIRECT EXAMINATION

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1 Crown Royal bag. He says he thinks he has got ten
2 bags. I believe it ended up being nine baggies is
3 what it ended up being, gram sized bags. I went into
4 the bedroom, as you'll see on camera. I reached down
5 beside the bed and picked it up. I hold it in front
6 of the camera, take the bags out. They're little pink
7 looking bags, which you'll see in evidence. They're
8 packaged in the same bags. At this time I go in there
9 and I handed it to Sargent McIntyre, and he lays it on
10 the table with the rest of our evidence.

11 **MS. PARKER:** Permission to approach the witness,
12 Your Honor.

13 **THE COURT:** Yes, you may.

14 Q. I'm showing you what's been marked State's Exhibit 1.
15 Just tell the jury what is this of?

16 A. This is a CD of the case, State's Exhibit 1. What
17 this has is the case numbers. It has our case file on
18 it. When we do all our paperwork we send it to the
19 solicitor's office. It also has copies of the camera
20 that we wore in the scene when we hit the house, and
21 all the evidence, everything that was said. A copy of
22 this is put in here for evidence, and then we submit
23 it to the solicitor's office.

24 Q. Have you had an opportunity to review the video
25 footage that's on that DVD disk?

BEN WEATHERFORD - DIRECT EXAMINATION

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1 A. Yes, I have.

2 Q. And does it accurately depict the events as they
3 occurred on that day, on January 13th 2012?

4 A. Yes, ma'am. They do.

5 **MS. PARKER:** Your Honor, at this time we move to
6 have State's Exhibit 1 into evidence.

7 **MS. WISE:** May I look at it first?

8 **THE COURT:** Certainly you may.

9 **MS. WISE:** No objections, Your Honor.

10 **THE COURT:** All right. Without objection State's
11 1?

12 **MS. PARKER:** Yes, sir.

13 **THE COURT:** State's 1 without objection into
14 evidence.

15 **WHEREUPON, STATE'S EXHIBITS**
16 **NUMBER 1 WAS ADMITTED INTO**
17 **THE RECORD WITHOUT**
18 **OBJECTION.)**

19 **MS. PARKER:** Your Honor, at this time we ask for
20 permission, we've reviewed everything for the most part, to
21 publish.

22 **THE COURT:** You may publish. If you will please
23 move the podium to make sure that does not block the
24 jurors' view. How long is the tape, counsel?

25 **MS. PARKER:** It's relatively short. I'd say it's

BEN WEATHERFORD - DIRECT EXAMINATION

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1 not over ten minutes.

2 THE COURT: All right. Very good.

3 MS. PARKER: I have a point when I'm going to turn
4 it on and turn it off.

5 THE COURT: All right.

6 MS. PARKER: It's not very long.

7 (PAUSE.)

8 THE COURT: Counsel, we've been here almost an
9 hour. Would it help if we took a break while you get the
10 technology in order?

11 MS. PARKER: Maybe.

12 THE COURT: Let's do that, ladies and gentlemen.
13 Please don't discuss the case. We're going to take about a
14 ten minute break and let you have a break while we get the
15 tape cued up.

16 (Whereupon, a recess was taken from 2:22
17 p.m. until 2:35 p.m.)

18 THE COURT: Counsel, Mr. Scruggs is going to come
19 around and put on your desk what we believe the Charge will
20 be in this case so you'll have an opportunity to review it
21 during the course of the trial. Welcome back from your
22 break, ladies and gentlemen, and I believe we are ready to
23 play the tape. Am I correct?

24 MS. PARKER: Yes, Your Honor.

25 THE COURT: You may proceed.

BEN WEATHERFORD - CROSS EXAMINATION

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1 (Whereupon, State's exhibit Number 1 was
2 published for the jury.)

3 **THE COURT:** Are there further questions?

4 **MS. PARKER:** Just a few follow up.

5 Q. Officer Weatherford, when you watch the video things
6 seem to go fast, from the point you approached the
7 door to the point that y'all are in the house. Would
8 you explain why it is such a fast entry?

9 A. We do fast entry because --- let me tell you what he
10 said. Later on he tells us, I had a bag of weed in my
11 hand. I threw it because --

12 **MS. WISE:** Objection, Your Honor.

13 **THE COURT:** I'll sustain that as hearsay. And
14 please respond to the question, if you would, as to why did
15 a fast entry.

16 A. We go fast so they do not destroy the evidence as we
17 come in. We did not want them to go flush it or
18 anything like that.

19 **MS. PARKER:** Please answer any questions the
20 defense may have.

21 **THE COURT:** Any cross examination.

22 **MS. WISE:** Thank you, Your Honor.

23 **CROSS EXAMINATION BY MS. WISE**

24 Q. Mr. Weatherford, you were the one that wore the
25 camera, correct, and executed the search warrant?

BEN WEATHERFORD - CROSS EXAMINATION

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1 A. Yes, ma'am.

2 Q. And you just told Ms. Parker a few moments ago before
3 the jury actually stepped out and we had our break,
4 that Mr. Edwards claimed that's it's all mine.

5 A. Right.

6 Q. Can you explain what exactly he claimed was all his,
7 because what I've heard I've heard him claim
8 responsibility for the baggies found in his bedroom.

9 **THE COURT:** And counsel, we have a witness --- a
10 juror who told us that they cannot hear, so please speak
11 up.

12 **MS. WISE:** I apologize.

13 Q. Let me restate that. You claimed that Mr. Edwards, in
14 execution of the search warrant while y'all were
15 executing it, claimed that it's all his. Can you
16 specify exactly what Mr. Edwards claimed
17 responsibility, or ownership, or possession of.

18 A. The way I took him claiming was, I took him claiming
19 all the narcotics and everything related to illegal
20 narcotics in the residence, that would have included
21 the scales, the baggies, and the marijuana we located.

22 Q. And what day was this search warrant executed?

23 A. On the 13th of January 2012.

24 Q. And would the video time stamp read that same day, or
25 should it read that same day?

GARY BILLIOT - VOIR DIRE EXAMINATION

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1 A. No, ma'am. All videos will die and they lose the
2 date. We don't reset our dates each time.

3 Q. Okay.

4 MS. WISE: Thank you, Officer. No further
5 questions.

6 THE COURT: Any redirect?

7 MS. PARKER: No, Your Honor.

8 THE COURT: Please watch your step as you exit the
9 witness box.

10 MR. WEATERFORD: Thank you, Judge.

11 THE COURT: Please call your next witness.

12 MS. PARKER: Thank you, Your Honor. At this time
13 the State calls Gary Billiot.

14 THE COURT: Please come forward and take the oath
15 of a witness.

16 WHEREUPON, GARY BILLIOT

17 AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS

18 MR. BILLIOT: I do.

19 VOIR DIRE EXAMINATION BY MS. PARKER

20 Q. Would you please state your full name for the record.

21 A. My full name is Gary Billiott. Last name spelled
22 B-I-L-L-I-O-T.

23 Q. And where are you employed?

24 A. I'm employed at the Darlington County Sheriff's
25 Office.

GARY BILLIOT - VOIR DIRE EXAMINATION

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1 Q. And tell us about your position there.

2 A. I am employed as a criminal crime scene
3 investigation/evidence custodian. That's pretty much
4 my title, and I'm a Sargent.

5 Q. Okay. Sargent Billiot, what are your day-to-day
6 duties?

7 A. When not responding to crime scenes and evidence
8 custodian, everyday pretty much we have evidence
9 that's been dropped in, and our evidence room is
10 located in the middle of the sheriff's office, which
11 used to be the old jail, so it's behind sealed doors,
12 locked doors. Behind thick concrete, and there's a
13 little small window that the deputies can actually go
14 in and drop the evidence. What we do is we come in.
15 We go ahead and take the evidence out of the box, and
16 go ahead and log it in and find a place for storage
17 for it. In reference to my other duties and in
18 reference to crime scene, any major crime scenes that
19 we may get called out to, we will show up, document
20 and collect any evidence, and process the scene.

21 Q. So, is it your job to keep the evidence organized and
22 keep up with it?

23 A. That is correct.

24 Q. And are you known as the custodian back when Officer
25 Specht talked about dropping the into evidence in the

GARY BILLIOT - VOIR DIRE EXAMINATION

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1 slot earlier when he testified?

2 A. That is correct.

3 Q. Okay. Now with respect to evidence in this case, can
4 you tell us what all you received?

5 A. Let's see. I think you have entered in, in reference
6 to a plastic bag that had smaller zipper bags and a
7 digital scale in there. We received that. We also
8 received an envelope in reference to in a Crown Royal
9 bag that was filled with nine smaller plastic red bags
10 that contained a green plant like substance.

11 Q. Okay. I'm going to show you what's been marked
12 State's Exhibit 3.

13 A. Okay.

14 Q. Can you tell us what that is?

15 A. This was the last item that I mentioned. It's an
16 envelope that pretty much has been marked as a Crown
17 Royal bag with nine small bags. Like I said, we go
18 ahead and print out a label. We have a barcode, and
19 we will actually give it a home in our evidence room.
20 That's pretty much it.

21 Q. Let's open it up and take a look at it.

22 A. Okay. I know this is mine, because I'm getting a head
23 of myself in reference to testing it. But like I
24 said, I went ahead and sealed it, matched with the
25 date that I sealed it, and the evidence tape on it has

GARY BILLIOT - VOIR DIRE EXAMINATION

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1 not been tampered with. This is the Crown Royal bag I
2 was talking about, and then each of these are the nine
3 samples that I ran the testing on. Did you want me to
4 open one of these or whatever. Normally when I do a
5 test or whatever, I will basically repackage so I can
6 actually seal it, put my evidence tape on it, and date
7 and time.

8 Q. Let's just --- let's open one.

9 A. Okay. I'll go with number one. In this case, like I
10 said, there were nine separate bags. This one is
11 marked sample number one. I had put a weight, 0.6
12 grams, and tested it, and with my initials, and then
13 again I also sealed it with evidence tape with the
14 date that I tested it. Inside there is a little small
15 red plastic bag, and inside --- I don't want to spill
16 it, but pretty much it's a green plant like substance
17 that pretty much I tested.

18 MS. PARKER: This is State's Exhibit 3. Your
19 Honor, we would like to offer it into evidence.

20 MS. WISE: May I see it first, please. No
21 objections, Your Honor.

22 THE COURT: All right. State's evidence 3, exhibit
23 3 in evidence without objection.

24 MS. PARKER: Thank you, Your Honor.

25 WHEREUPON, STATE'S EXHIBITS

GARY BILLIOT - VOIR DIRE EXAMINATION

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1 NUMBER 3 WAS ADMITTED INTO
2 THE RECORD WITHOUT
3 OBJECTION.)

4 Q. Now, I'm going to ask you a little bit about some of
5 your special training. Have you received any special
6 training in the field of marijuana analysis?

7 A. Yes. I received certification from the South Carolina
8 Law Enforcement Division in reference to their
9 marijuana analysis certification program, which pretty
10 much consists of a two day class in which you'll be
11 tested on. You'll have fifty unknowns samples to test
12 that has to be a hundred percent accuracy. You can't
13 get one wrong, or you know, misidentify one. And then
14 eighty percent or above on the written examination. I
15 received that certification in October of 2010, and my
16 certification actually expires at the end of this
17 year. But it expires in December of 2013.

18 Q. Okay. And how many samples would you say you've
19 tested since October 2010?

20 A. Since October of 2010, over a hundred.

21 **MS. PARKER:** Your Honor, at this time we'd like to
22 offer Sargent Billiot as an expert in marijuana analysis.

23 **THE COURT:** All right. Let's talk about that for
24 just a moment. The witness you are offering now as an
25 expert witness, and the previous witnesses who testified,

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1 and even ones presently before testified as a lay witness.
2 A lay witness can testify about what they saw, or heard, or
3 did. An expert witness, on the other hand, because of
4 training, or knowledge, or experience within a particular
5 scientific area or field is given the opportunity to
6 testify about not only what they saw, or heard, or did, but
7 what opinion they've arrived from that. So, that's a
8 different between a lay and an expert witness. Now, when
9 an expert witness is offered by one side or the other, it
10 is only fair to give the other side an opportunity to
11 question the witness on the issue of expertise only, not to
12 the merits of the testimony, but about the witness'
13 expertise. We call that *voir dire*. Do you have *voir dire*
14 for the witness on expertise?

15 MS. WISE: We do not, Your Honor.

16 THE COURT: Is there objection to the
17 qualifications as an expert?

18 MS. WISE: No objections.

19 THE COURT: All right. Then without objection will
20 permit the testimony. An expert witness testimony is never
21 given for the purpose of controlling the judgment; it's
22 given for assisting you in finding matters of fact that are
23 within the purview of that expert, if you deem it to be
24 helpful. If you find that it assists you. You give it
25 what weight you deem it to be entitled to based upon the

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1 evidence as it is presented. You may proceed.

2 MS. PARKER: Thank you, Your Honor.

3 DIRECT EXAMINATION BY MS. PARKER

4 Q. Sargent Billiot, I have already had you looked at the
5 evidence. Did you have an opportunity to analyze this
6 evidence in this case?

7 A. Yes, I did.

8 Q. And would you please tell the jury a little bit about
9 the results?

10 A. Okay. On 3-28-2013 I took this from evidence and had
11 it analyzed. In reference to analysis, we do a two
12 part analysis. We do a microscopic analysis, and we
13 do a chemical analysis. And if one of those analyses,
14 say the microscopic is negative, or say the chemical
15 analysis is negative, then we will rule the test, that
16 no marijuana was found. But in this case marijuana
17 was found. Both tests were positive. Marijuana was
18 found. The weight total was 5.2 grams. The ounce was
19 .181 ounces, Schedule I drug.

20 Q. Okay. And I'm going to ask you, Sargent Billiot, in
21 examining did you find consistencies in the weight?

22 A. For the most part, yes. They had some bags that for
23 the most part, most of the bags in grams weighed .6
24 grams. There were a couple bags, number two, .4
25 grams. Bag number three, .7. A bag was 7.5, but for

GARY BILLIOT - DIRECT EXAMINATION

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1 the most part it was .6.

2 Q. So, out of the nine, you had six bags that weighed
3 exactly .6 grams. Is that right?

4 A. That's correct.

5 Q. And do you have copies of your report here with you
6 today?

7 A. Yes, I do.

8 Q. May I see it?

9 MS. PARKER: Your Honor, at this time ----

10 Q. State's Exhibit 5, is that your report?

11 A. Yes, it is. My signature is here and the date that I
12 created it. Yes.

13 MS. PARKER: Your Honor, at this time we would
14 offer State's Exhibit 5 into evidence.

15 THE COURT: Is there an objection?

16 MS. WISE: No objection, Your Honor.

17 THE COURT: All right. Without objection State's 5
18 in evidence.

19 WHEREUPON, STATE'S EXHIBITS

20 NUMBER 5 WAS ADMITTED INTO

21 THE RECORD WITHOUT

22 OBJECTION.)

23 Q. Sargent Billiot, is there anyway in the process of
24 testing marijuana that sometimes effects the weight?

25 A. Yes.

GARY BILLIOT - DIRECT EXAMINATION

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1 Q. Can you tell us about that.

2 A. Normally whenever we test a sample, we do not test the
3 packaging. We just weigh the green --- basically just
4 the marijuana. Just the plant substance. We don't --
5 in terms of that that might be stems, any roots and
6 soil, any seeds. We take those out from the sample
7 and just weigh, like I said, just the plant material,
8 and that may actually sometimes can influence in
9 reference to some of those, you know, results where
10 maybe it was .4 instead of .6. That could possibly
11 account for that. The other thing is in terms of how
12 long the marijuana has been sitting on the shelf.
13 With a case like this, it was over a year ago.
14 Humidity, evaporation, things like that, that could
15 also influence in terms of, you know, losing the
16 weight of what was originally reported.

17 Q. Okay. And Sargent Billiot, tell us about the time
18 difference, because this was dropped into evidence
19 over a year ago and it was tested really last week.
20 Tell us a little bit about the procedure in testing
21 marijuana. Do y'all test every piece of marijuana
22 that comes into the sheriff's office?

23 A. No. Unfortunately we have four people working in our
24 department in terms of crime scene and evidence
25 custodian. In terms of that we have a smaller

GARY BILLIOT - CROSS EXAMINATION

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1 department like Hartsville P.D. which Sargent Specht
2 --- she actually does test, but that's a smaller
3 department, but no we don't test it --- all the
4 marijuana that comes in. What we do, we pretty much
5 on a case-by-case. If it's a one that will be going
6 to court, we'll go ahead and pull it out and test it.

7 **MS. PARKER:** I believe those are all the questions
8 I have. Please answer any questions the defense may have.

9 **THE COURT:** Cross examination.

10 **MS. WISE:** Thank you, Your Honor.

11 **CROSS EXAMINATION BY MS. WISE**

12 Q. Detective Billiott, just as a reminder, this incident
13 happened on January 13th 2012?

14 A. I believe so, yes.

15 Q. And your report is dated April the 1st 2013?

16 A. April the first. That was after I tested it. I
17 tested it on the 28th and submitted the evidence back
18 when we came back from Easter Holiday, and I went
19 ahead and wrote the report on the first of April.

20 Q. So, over a year since the alleged drugs were admitted
21 into evidence; Correct?

22 A. That would be --- yes.

23 Q. And you said marijuana is tested on a case-by-case
24 basis. Any idea why it was tested in this instance?

25 A. Because this case was going to trial. Like I said, we

GARY BILLIOT - CROSS EXAMINATION

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1 don't test all of our marijuana. We don't have a
2 large enough department to do that. Almost every day
3 we're receiving at least one or two items of
4 marijuana. You know, some small; some large, but in
5 this case, like I said, since this was going to trial,
6 we went ahead and tested it. I was asked to test it.

7 Q. And the total weight in grams of all the marijuana was
8 5.2 grams?

9 A. That is just of the ---- again, yes. 5.2 grams of
10 just the marijuana.

11 Q. So, just 5.2 grams?

12 A. And like I said, that's not including packaging,
13 stems, seeds, all that.

14 Q. Thank you, sir.

15 **MS. WISE:** I have no further questions, Your Honor.

16 **THE COURT:** Is there redirect?

17 **MS. PARKER:** There's not, Your Honor.

18 **THE COURT:** All right, sir. You may step down.

19 Please watch your step. Are there further witnesses from
20 the State?

21 **MS. PARKER:** The State would like to call Robert
22 McIntyre to the stand.

23 **THE COURT:** Please step forward.

24 **THE COURT:** Please come forward and take the oath
25 of a witness.

ROBERT MCINTYRE - DIRECT EXAMINATION

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WHEREUPON, ROBERT MCINTYRE**AFTER BEING DULY SWORN TESTIFIES AS FOLLOWS****MR. MCINTYRE:** I do.**DIRECT EXAMINATION BY MS. PARKER**

Q. Please state your full name.

A. Robert McIntyre.

Q. And where are you employed?

A. Hartsville P.D. I'm assigned to the Darlington County
Drug Unit.Q. Were you a part of the team that was in place on
January 13th 2012?

A. I was.

Q. And tell us, what's the address where the search
warrant was going to be executed?

A. May I get the report out?

Q. You may. For the Court's record, I'm showing you
what's marked Court's Exhibit Number 1. What was the
address?

A. Circle, Hartsville.

Q. Hartsville. Is that located in Darlington County?

A. Yes, ma'am.

MS. PARKER: Please answer any questions the
defense may have.**THE COURT:** Cross examination?**MS. WISE:** No, Your Honor.

THE STATE VERSUS RUDOLPH ISREAL EDWARDS

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1 **THE COURT:** Very good. Thank you, sir. You may
2 step down. Thank you. Anything further for the State?

3 **MS. PARKER:** No, Your Honor. That will conclude
4 the State's case.

5 **THE COURT:** All right. Ladies and gentlemen, we're
6 going to take a break now at the close of the State's case
7 and we'll let you go back to the jury room for about five
8 minutes or so. But I'd like you --- to ask you to do this
9 after you finish taking your break. What I'm going to ask
10 you is, our alternate juror, Mr. Curley, I am going to ask
11 you to preside over the jury while they choose while among
12 themselves a foreperson. It should not be you, although
13 you have vote in that choice, but because you may not
14 deliberate it, it should be one of the twelve original
15 jurors. You may know one another, some of you before you
16 even arrived here on Monday, but now you've had a chance to
17 know and be together, I would suggest you get the best
18 foreperson, whether that's a forewoman or foreman, it's
19 your choice. But someone who is a facilitator of
20 discussion and a moderator of discussion, because
21 ultimately your verdict in this case must be unanimous.
22 So, when you determine among yourselves who you wish to be
23 the foreperson, please, if you would write it on a piece of
24 paper and knock on the door, and then we'll be ready to
25 receive that information, and then come back in the

THE STATE VERSUS RUDOLPH ISREAL EDWARDS

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1 courtroom and finished the testimonial phase of the case
2 shortly thereafter. So, enjoy your break. We'll remain
3 where we are in respect for you while you return to the
4 jury room.

5 (Whereupon the jury exits the courtroom at
6 3:04 p.m.)

7 **THE COURT:** All right. Now at the close of the
8 State's case. Are there motions from defense?

MOTION FOR A DIRECT VERDICT

9
10 **MS. WISE:** There are, Your Honor. The defense
11 moves for a directed verdict. We do not believe that the
12 State has proven each element of possession with intent to
13 distribute as it needs to for this case to continue. We do
14 not believe that there has been any sufficient indication
15 of intent to distribute for this conviction. And we would
16 respectfully request this motion.

17 **THE COURT:** All right. So, without taking argument
18 and response from the State, I'm going to respectfully deny
19 your motion. It's not for the Court to weigh the evidence.
20 The question before the Court is there sufficient evidence
21 in this record which is properly admitted that would tend
22 to prove the guilt of the accused. The Court finds that
23 there is sufficient evidence, specifically on the issue of
24 intent to distribute. As you know, the jury may use both
25 circumstantial as well as direct evidence, and a form of

THE STATE VERSUS RUDOLPH ISREAL EDWARDS

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1 packaging is circumstantial evidence which may indicate
2 intent to distribute. That's for the jury to decide. But
3 the Court finds there is sufficient evidence for that to be
4 a jury issue, and I respectfully deny your motion.
5 Anything further from the defense?

6 MS. WISE: Nothing, Your Honor.

7 THE COURT: All right. I believe you told me
8 earlier that the defense will not put up a case. Am I
9 correct?

10 MS. WISE: Yes, Your Honor. The defense rests.

11 THE COURT: All right. My preference would be that
12 we come back into the courtroom and let you on the record
13 rest so that the jury will hear it happening in real time,
14 and then we'll go directly into closing arguments. Now,
15 the defense having not put up any evidence would have the
16 right to close arguments, so I assume the State will open
17 and defense will close. Am I correct?

18 MS. PARKER: Yes, Your Honor.

19 THE COURT: All right. Then are you ready to
20 argue, Ms. Parker?

21 MS. PARKER: I can be ready. That will be fine.

22 THE COURT: Are you ready, Ms. Wise?

23 MS. WISE: I am, Your Honor.

24 THE COURT: Do you need a break?

25 MS. WISE: I'm okay.

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1 **MS. PARKER:** Five minutes, Your Honor.

2 **THE COURT:** All right. Let's do that. The hours
3 is early. Let's stand down until about 3:15 and then we'll
4 reconvene. But at that point we'll go forward and all the
5 way to closings with the jury. Court is in recess.

6 (Whereupon, a recess was taken from 3:06
7 p.m. until 3:22 p.m.)

8 **THE COURT:** All right. We are advised that
9 Lawrence W. Horn has been chosen as our foreperson and
10 that's juror number 62. So, when the jury comes back in,
11 please seat Mr. Horn in the foreperson's seat.

12 Is there anything before we bring in the jury, from
13 either party?

14 **MS. PARKER:** No, sir.

15 **MS. WISE:** No, Your Honor.

16 **THE COURT:** All right. Hearing none, then Ms.
17 Wise, you are going to rest, and then we'll proceed
18 directly into closings. Am I correct?

19 **MS. WISE:** Yes, sir, Your Honor.

20 **THE COURT:** All right. Are you ready to close, Ms.
21 Parker?

22 **MS. PARKER:** Yes, Your Honor.

23 **THE COURT:** All right. Good. Please bring in the
24 jury.

25 (Whereupon, the jury enters the courtroom at

THE STATE VERSUS RUDOLPH ISREAL EDWARDS

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1 3:23 p.m.)

2 **THE COURT:** All right, ladies and gentlemen.

3 Welcome back to the courtroom, and Mr. Curley thank you for
4 your leadership to the jury while they made their choice of
5 foreperson, and Mr. Horn I see you've been chosen.

6 Congratulations on that. I say congratulations for the
7 confidence that your colleagues have shown in your
8 abilities. During the charge on the law later in the case,
9 I'll talk with you a little bit more about your
10 responsibilities as foreperson. But just let me simply say
11 to you at this point in the presence of your colleagues,
12 thank you for your willingness to serve in that capacity.
13 All right. You will recall at the close of the first
14 afternoon session, the State rested. We now move to the
15 defense. And please call your first witness.

16 **MS. WISE:** Your Honor, the defense rests at this
17 time. We would like to renew our motions previously made.

18 **THE COURT:** Very good. All right. So noted. The
19 defense has rested. And tell me the second part that you
20 said, counsel. Excuse me.

21 **MS. WISE:** We'd like to renew previously made
22 motions.

23 **THE COURT:** All right. And the motions which have
24 been previously been made and denied are denied again for
25 the same reasons previously given. And thus now we move

CLOSING ARGUMENTS BY MS. PARKER

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1 forward to the stage of the case where we will have closing
2 arguments from both sides, and then the charge on the law
3 from the Court.

4 The way we'll proceed, the State has the burden of
5 proof. They will go first and argue, and then defense will
6 follow with closing argument. Is the State prepared for
7 closing argument?

8 **MS. PARKER:** Yes, Your Honor.

9 **THE COURT:** Please proceed.

10 **MS. PARKER:** Thank you, Your Honor.

CLOSING ARGUMENTS BY MS. PARKER

11
12 **MS. PARKER:** Ladies and gentlemen, not long ago you
13 took an oath and that oath included two parts. You took an
14 oath to listen to the evidence and to apply the law, and
15 throughout the course of this trial. As short as it's
16 been, I called several witnesses to the stand to try to
17 show you the story of what happened that day, and the
18 evidence that was found that we have against the defendant.
19 I called several witnesses to show you that there was a
20 search warrant for a residence, Circle in
21 Hartsville, which is in Darlington County. There was a
22 team that went out. There was marijuana found in this
23 house. That's number two. Number three, I don't think
24 anybody doubts that the defendant said that was his house.
25 Number four, he claimed the marijuana on video and took

CLOSING ARGUMENTS BY MS. PARKER

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1 responsibility for it, told the police, that's mine. They
2 had nothing to do with it. This is my marijuana. Took
3 complete responsibility. And number five, there were
4 scales --- there was one set of scales and several little
5 small baggies found at the residence. That's our fifth
6 piece of evidence.

7 Ladies and gentlemen, this is why I can say up here
8 this afternoon, and I think this case is going to hinge on
9 one important issue, and that is are you going to find that
10 the defendant possessed with the intent to distribute
11 marijuana. I don't think anybody here doubts that he
12 possessed the marijuana. There was a search warrant for
13 his house. It was found in his house. He is on video
14 saying it is his. He tells them where it's at. He
15 describes the baggies. They found it in a purple Crown
16 Royal bag in the bedroom right where he said it would be.
17 He told them exactly how many bags were inside of it, nine.
18 And when they collected it. Guess what? There were nine
19 bags inside.

20 Now I want to talk to you a little bit about some of
21 the reasons why I believe that he possessed the intent to
22 distribute marijuana, because there are several factors to
23 be taken into consideration.

24 Now, everything is not always clean-cut as appeared in
25 this courtroom. When we present cases to juries, some

CLOSING ARGUMENTS BY MS. PARKER

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1 evidence is what we call direct evidence, and some evidence
2 is circumstantial. If I have something like DNA,
3 fingerprints, that's direct evidence. It relates directly
4 to what I'm talking about.

5 Circumstantial evidence in an analogy that it is also
6 used. You wake up tomorrow morning and you look out the
7 window and the yard is covered in a white powered
8 substance, you can reasonably conclude that it snowed. Or
9 if you wake up and there's water on your lawn, and there's
10 grass, and there's, you know, mud holes and puddles of
11 water, you can conclude that it rained even though you
12 might not have physically seen the stuff falling out of the
13 sky. You might not have physically with your eyes seen the
14 rain coming out of the clouds, but when you see the mud
15 puddles on the ground, you know that it rained. And
16 circumstantial evidence is kind of like that. And there
17 are some circumstances that speak to this case as to why he
18 possessed this marijuana with the intent to distribute it.

19 Case of evidence number one, a digital scale that's
20 commonly used to weigh narcotics. Also we have the baggies
21 inside of this bag that were found in the house. Now, I
22 wish I had gotten this open sooner. All of this has been
23 admitted into evidence and you'll have the opportunity to
24 take this back with you when you deliberate. If I can get
25 this open. These are the little baggies that I'm talking

CLOSING ARGUMENTS BY MS. PARKER

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1 about that were found at the residence. Lots of them. And
2 I want you to notice a good bit of them are pink. Little
3 pink baggies. Earlier when Sargent Billiot was on the
4 stand, the marijuana he pulled out of the Crown Royal bag
5 was a little pink bag just like this, just like this in
6 this bag. They're falling on the floor and I apologize.
7 These bags were found in the house, some of the biggest
8 reasons I think point to why this wasn't marijuana for
9 personal use are evident. You have marijuana for personal
10 use --- most people would keep their personal weed in one
11 large container or one bag. Why would you buy nine little
12 nickle bags, nine times. Three, think about how all the
13 bags had roughly the same weight. Six of the nine bags had
14 exactly the same weight, .6 grams to the T. And then
15 another thought, why in the world would you weigh out and
16 evenly distribute your marijuana into nine different bags
17 if it was for personal use. And then the biggest thing I
18 think speaks as to why this was marijuana that he intended
19 to distribute is because the same pink bags that was used
20 to bag the marijuana found in this bag, is the same pink
21 bags that was found in the house that were recovered. The
22 same little small pinkish red colored bags. The same kind
23 of bag. Ladies and gentlemen, we just submit to you today
24 that he possessed this marijuana with the intent to
25 distribute. Now, the Judge is the judge of the law, and

CLOSING ARGUMENTS BY MS. PARKER

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1 you're the judge of the facts. Y'all decide what the
2 facts, what y'all think the facts are, what you think
3 happened. But the Judge is going to instruct you on the
4 law, and he is going to tell you what is required for you
5 to find that somebody possessed drugs. And then he will go
6 a step further, what is required for you to find that they
7 had that special intent that I'm talking about. That
8 intent to distribute. They intended to distribute the
9 narcotics, and some of those very reasons are some of the
10 reasons I just mentioned, that they have --- how the drugs
11 were possessed. Instead of all in one bag, you have nine
12 little small bags. They're all in the same colored bags.
13 They're all closely exactly the same weight. That's a
14 manner in which narcotics can be possessed, when you can
15 conclude that there is an intent to distribute it. Also,
16 other factors can be taken into consideration. And I think
17 one factor that is very important here is the scale, that
18 the scale was right there on the coffee table in the main
19 part of the house. So. you have the small bags. You have
20 the scale. And you have the way it's packaged.

21 You know, you swore an oath to listen to the evidence
22 and uphold the law. And I told you a little while ago that
23 the biggest thing you can bring to this table is your
24 collective common sense. What makes sense? What's
25 reasonable? Because for the defense, they have to show ---

CLOSING ARGUMENTS BY MS. WISE

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1 there has to be some reasonable doubt, not just any doubt,
2 but a doubt to which you can assign a reason. Some
3 reasonable doubt. And I, just in reference to talking
4 about the marijuana, if you had it for your personal use, I
5 don't know. It just doesn't make sense. When you think
6 about common sense. It just doesn't make sense. Why would
7 you go out nine times and buy nine nickle bags. You could
8 go out and buy a quarter ounce bag if it was for personal
9 use; but it's not.

10 In this case they had that marijuana. The defendant
11 had possession of that marijuana, and he had it with intent
12 to distribute it. And under the law of South Carolina we
13 ask that you find him guilty of possessing that marijuana,
14 and of having that intent to distribute it. I thank you
15 for your time and attention today. Thank you.

16 **THE COURT:** Now for the defendant's closing
17 argument.

CLOSING ARGUMENTS BY MS. WISE

18 **MS. WISE:** Your Honor, counsel, ladies and
19 gentlemen of the jury, good afternoon. The prosecutor
20 brought you lots of information, but she didn't bring you
21 the truth. As I told you at the beginning of today, this
22 is a case about assumptions, or specifically this is a case
23 about the truth, about assumptions, about assuming the
24 worst about someone. Mr. Rudolph Edwards is a modest man
25

CLOSING ARGUMENTS BY MS. WISE

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1 from modest needs, and he's a target. I do not contest the
2 fact that marijuana was found in his home. That fact
3 however is not the issue in this case. The only issue here
4 today is, did Mr. Edwards possess that marijuana with the
5 intent to distribute it. I believe that the State has
6 failed to prove Mr. Rudolph Edwards guilty beyond a
7 reasonable doubt. Because the State has not proven that
8 when that marijuana was found in Mr. Edwards' home, Mr.
9 Edwards possessed that marijuana with the intent to
10 distribute it.

11 Now why do I say this? Ladies and gentlemen, it
12 basically comes down to what your common sense tells you.
13 You saw the video. You saw how the officers found the
14 drugs in the house. You heard Mr. Edwards say those drugs
15 are mine. However, you never heard him say I sold those
16 drugs, or I'm going to sell those drugs. Nothing in that
17 video indicated that Mr. Edwards distributed those drugs.
18 That Mr. Edwards was a dealer. Nonetheless, the
19 prosecution wants you to assume from today's testimony that
20 Mr. Edwards not only possessed those drugs, but had the
21 intent to distribute them. Your common sense tells you
22 that assumptions are not enough to convict this man.
23 Remember presumption of innocence and beyond a reasonable
24 doubt? Look at their importance. Look at how they
25 dismantle the State's entire argument. Mr. Edwards is

CLOSING ARGUMENTS BY MS. WISE

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1 innocent until proven guilty. And the State has not proven
2 Mr. Edwards guilty, because the State did not prove that
3 Mr. Edwards possessed this marijuana and had the intent to
4 distribute it. There's simply not enough evidence to
5 sustain this charge.

6 You've seen the gaps in today's testimony. You've
7 seen the uncertainties. You've seen unanswered questions.
8 In a case such as this with an individual's very life and
9 well being at stake, these ambiguities and questions cannot
10 exist. They simply cannot. The prosecution wants you to
11 believe that Mr. Edwards was going to distribute or deal
12 these drugs. A dangerous man, possibly someone corrupting
13 our community. Ladies and gentlemen, you heard the
14 evidence. 5.2 grams. Not a real threat. And they want
15 you to believe this through the testimony through the law
16 enforcement officers who we heard from today. I'm not
17 saying that these individuals are not good people, are not
18 good officers. They are fine individuals and the work that
19 they do for this community is invaluable, but the charge
20 that Mr. Edwards is faced with today does not match up to
21 the evidence against him.

22 You heard about the scales. Ms. Parker said, well,
23 it's fair to assume that because he had the scale he was
24 using it to distribute. You heard the very officer up
25 there that this scale can also be used for an array of

CLOSING ARGUMENTS BY MS. WISE

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1 other household purposes, measuring coins, measuring food.
2 There was no definitive answer given to you today in court
3 about what that scale was actually used for. There was no
4 definitive answer as to who even owned or possessed that
5 scale. It was merely on the table in this individual's
6 residence with two other individuals present. That scale
7 could have belonged to anyone.

8 I want you to go back when you go into the jury room
9 and please re-watch this video that you saw. Pay attention
10 to what it said. Pay attention to what you see. If you
11 rely on the version of what occurred on January 13th
12 presented to you today by the State, you would have to
13 believe the following: That when the officers busted into
14 Rudolph Edwards' home, they found him with 5.2 grams of
15 marijuana that he meant to sell. This simply defies common
16 sense and everyone in this courtroom knows that. Mr.
17 Edwards took full responsibility for what little drugs were
18 in the home, the privacy of his own home. He never said a
19 thing about distributing them, about selling them. He
20 never showed any intent whatsoever to do anything with
21 them. The next thing we know the police, and again I'm not
22 discrediting them or the fine work that they do for this
23 community, but the next thing that we know, the police
24 mistake and charge this man. This just isn't right. The
25 evidence presented today does not mean that he deals drugs.

CLOSING ARGUMENTS BY MS. WISE

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1 It makes it easy to assume the worst about him, to pay him.
2 And again, let me say this is not right. It's not right
3 for him. And it's not right for you and me. If this can
4 happen to him, it can happen to any one of us in here in
5 this courtroom today.

6 Who among you can't say that you have reasonable
7 doubts as to whether Mr. Edwards intended to actually sell
8 those drugs. Of course, you have doubts. Today's
9 testimony is laced with doubts. If nothing else, the
10 evidence you just heard from the State is filled with
11 doubt. This case and Mr. Edwards' fate now rests in your
12 hands.

13 When this case is over, you, myself, and probably
14 others from time to time will sit back and think about the
15 case. You might find yourself asking, did I do this man
16 justice? If you have any doubts whatsoever about this
17 case, have them now. For Mr. Edwards there is no tomorrow.
18 No second chance. Ask yourself those hard questions now.
19 If in your deliberations you keep that in mind, I am
20 certain that you will return a verdict of not guilty. And
21 I would like to add that in the lesser included offense of
22 possession of marijuana. The Judge will also instruct you
23 about that as well. We ask that you find him not guilty on
24 that also.

25 And I ask you to think about the promises that the

CHARGE ON THE LAW

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1 prosecution made to you at the beginning of today. They
2 promised that they would prove to you that Mr. Edwards
3 possessed those 5.2 grams of marijuana with the intent to
4 distribute it. They told you they would prove this through
5 the baggies, through the scales that you will see in
6 evidence. I don't see those promises being made. There
7 was no showing whatsoever of who that scale belonged to.
8 In fact, if you think about it, there was no showing
9 whatsoever about who those baggies belonged to. As I said
10 earlier, that scale as the officer testified could be used
11 for an array of purposes. The baggies, we heard nothing
12 about what they could possibly be used for other than
13 drugs. In my opinion, those baggies are also in some of
14 our kitchens probably at home.

15 Ladies and gentlemen, I say again that this is a case
16 about the truth. Specifically about assumptions. The
17 prosecution has not proven beyond a reasonable doubt that
18 Mr. Edwards possessed those drugs with the intent to
19 distribute them. Because the prosecution has not proven
20 this, we ask that you return the only verdict this evidence
21 demands. Let Mr. Edwards go free. Let him return home.
22 At least find him not guilty.

CHARGE ON THE LAW

23
24 **THE COURT:** All right. Ladies and gentlemen we are
25 now at the point in the case where the Court gives you the

CHARGE ON THE LAW

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1 charge on the law. As you are aware, Mr. Foreman and
2 ladies and gentlemen of the jury, the the State has charged
3 the defendant, Rudolph Isreal Edwards, with one count of
4 possession with intent to distribute marijuana. Now, you
5 will please remember the defendant has pled not guilty to
6 these charges, and by that plea, denied the allegations
7 which were logged against him.

8 In the indictment, as we stated previously, but I am
9 going to say it again because of its importance, is merely
10 a set of accusations against the defendant. It is not
11 evidence. The evidence which you are to consider is the
12 testimony of the various witnesses you have already heard
13 today as well as the exhibits introduced into the record
14 during the course of this trial, and you will have those
15 exhibits back with you in the jury room when you retire to
16 deliberate.

17 Please remember, the defendant comes into this
18 courtroom clothed with a presumption of innocence, and this
19 presumption of continues throughout the case and entitles
20 the defendant to a verdict of not guilty unless and until
21 that presumption is dispelled by evidence satisfying you,
22 the jury, ladies and gentlemen, beyond a reasonable doubt
23 that the defendant is guilty of the offense charged, and
24 the State has proved each and every element of the alleged
25 crime beyond a reasonable doubt.

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1 Now, as I told you at the beginning of this case, you
2 are the judges of the facts under the South Carolina
3 Constitution. And, there is no need for me to be
4 duplicative and say again what factors you may look to. I
5 just say simply, we do this everyday, and you should gauge
6 credibility and believability here in the courtroom just as
7 you do in everyday life. I will tell you that when you
8 decide the facts of the case, back in the jury room, you
9 the jury, may believe as much or as little of any one
10 witness' testimony as you think proper. You can believe
11 one witness against a whole group of witnesses, or you can
12 do just the opposite. You may believe part of a witness
13 says, and completely disbelieve the rest.

14 Also, the fact that testimony is not controverted does
15 not mean you have to accept it as true. Because you must
16 still gauge the credibility and the believability of the
17 witness through which it comes to determine the
18 believability or those facts offered through the witness.

19 Keep in mind that throughout this process, you have
20 one goal, and that is to seek the truth regardless from
21 which witness that truth may come.

22 Now, there are two types of evidence which in cases
23 such as these, and I want to discuss that with you briefly.

24 First of all there is direct evidence, and secondly
25 there is circumstantial evidence. Direct evidence is the

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1 testimony of a person who asserts or claims to have actual
2 knowledge of a fact, such as an eyewitness who will testify
3 about what they saw, or heard, or did. That is direct
4 evidence.

5 Circumstantial evidence, on the other hand, is proof
6 of a set or chain of facts that then indicate the existence
7 of yet another fact. I will tell you that the law makes no
8 distinction between the weight that, you the jury, should
9 give to either direct or circumstantial evidence. You
10 should consider all of the evidence. The law does not
11 require a greater threshold of one than it does of the
12 other.

13 I will tell you that after weighing all the evidence,
14 both direct and circumstantial, if you are not convinced of
15 the guilt of the defendant beyond a reasonable doubt, you
16 must find the defendant not guilty.

17 Now, I have been back in your jury room, ladies and
18 gentlemen, not while you have been back there, but I've
19 been back there many times before. And, I am sure you have
20 noticed that when you go back in the jury room there is not
21 some set of scales to go in there and weigh the evidence
22 on. And that is obvious, because it is entirely a mental
23 process. What I would say to you that evidence that weighs
24 with you is evidence that convinces you of its truth.
25 Again, regardless from which witness that evidence may

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1 come.

2 Now, the same constitution that makes you the judge of
3 facts makes me the judge of the law here in the courtroom.
4 But I say to you, please accept the law as I give it to you
5 here in this charge. I will tell you, and I think we all
6 know from living in a small county as we all do, that out
7 on the street there is a lot of bad information about the
8 law, whatever area of the law you may be talking about.
9 So, I am going to ask you to disregard any preconceived
10 notion you may have had about what the law is on a
11 particular subject, as well as disregard what you or I
12 think may be a better idea. Just simply accept the law as
13 I give it to you in this charge. Apply it to the facts as
14 you find it. And, if you do that ladies and gentlemen,
15 then you will reach a verdict which is just and true.

16 Now, in a criminal prosecution of this type, as I
17 already stated, the State, that is the prosecution, has the
18 burden of proof. The defense has no burden of proof, the
19 defendant is presumed innocent. And, in this state,
20 according to our constitution, the prosecution must prove
21 its case to the standard of proof that we call beyond a
22 reasonable doubt before a finding of guilt may occur. If
23 the State fails to meet this high burden, the defendant is
24 entitled to acquittal.

25 So, you say, alright well what is a reasonable doubt?

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1 Well, I am going to start by telling you what it is not.
2 It is not an imaginary or fanciful doubt or a weak doubt;
3 it is a substantial doubt. It is a doubt for which the
4 words imply; a doubt for which you can give or assign a
5 reason based on the testimony and the evidence in this
6 case.

7 I tell you that reasonable doubt is not any sort of a
8 doubt. You and I know from every day life experiences that
9 you may have some kind of doubt about any matter that
10 arises, no matter how trivial it may be, such as what tie
11 to wear to an event, or what pair of shoes to wear to
12 something. That is not a reasonable doubt.

13 A reasonable doubt is a doubt which makes an honest,
14 sincere, conscientious juror in search of the truth
15 hesitate to act. Proof beyond a reasonable doubt is proof
16 that leaves you firmly convinced of the defendant's guilt.
17 If you have a doubt for which you can give or assign a
18 reason as to the guilt of the defendant in this case, then
19 he is entitled to a verdict of not guilty.

20 Reasonable doubt may arise from evidence that is in
21 the case, or from the lack or absence of evidence in the
22 case. You, the jury, must make the determination of
23 whether or not reasonable doubt exists as to the guilt of
24 the defendant in this case.

25 The very fact, however, that the jury goes back in the

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1 jury room and engages in a full and free discussion of
2 guilt or non-guilt in this case with the conversational ebb
3 and flow on these issues, does not automatically mean that
4 reasonable doubt exists in this case or in any other case
5 for that matter.

6 Now, let's talk about criminal intent. Criminal
7 intent is a necessary element of each crime that must be
8 proved by the State beyond a reasonable doubt.

9 Criminal intent is always a matter that must be
10 determined by the jury from the circumstances that surround
11 a situation. There is no way to prove intent to some
12 mathematical certainty. There is no way medical science
13 allows us to open up or dissect someone's brain and look in
14 and determine what they had in mind at a particular point
15 in time. So, the law states that criminal intent may be
16 inferred from the circumstances shown to have existed, both
17 before and after the fact. And, this is how you, the jury,
18 make a determination of whether or not the element
19 requiring criminal intent is present.

20 Criminal intent is a state of mind that operates
21 jointly with an act or omission in the commission of a
22 crime. Criminal intent is a mental state of conscious
23 wrongdoing, so it is up to you, the jury, to determine what
24 the defendant intended to do based on the circumstances
25 shown to have existed. I tell you that the State must

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1 prove criminal intent beyond a reasonable doubt, just as
2 the State must prove every element beyond a reasonable
3 doubt as I previously explained to you.

4 Now, as I also mentioned earlier, ladies and
5 gentlemen, please be aware that the Defendant's failure to
6 appear may not be and cannot be construed by you as an
7 admission of guilt on the part of the defendant. The
8 defendant's failure to appear also does not change the
9 burden of proof in this case; the State must still prove
10 beyond a reasonable doubt, that the defendant committed the
11 act that the Indictment alleges he committed. I will also
12 remind you that the defendant has no burden of proof and is
13 not required to put up a defense or any type of testimony
14 on the Defendant's behalf.

15 I further instruct you and emphasize that the fact the
16 defendant did not testify, that is did not come forward and
17 testify, is not a factor to be considered by you in any way
18 in your deliberation and in your consideration of the
19 question of the guilt or the innocence of the defendant.
20 It must not be considered by you in any manner whatsoever.
21 A defendant has the constitutional right to remain silent,
22 and the assertion of this right must not be considered by
23 you in your deliberations. And, so, I repeat to you, under
24 your oath you took as jurors you should draw no conclusion
25 whatsoever from the fact that the defendant did not testify

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1 in this case. The fact that this defendant did not testify
2 should not even be mentioned in the jury room. The burden
3 of proof, as I have stated to you throughout this case
4 remains on the State. The defendant is not required to
5 prove his innocence. The burden of proof remains on the
6 State to prove guilt beyond a reasonable doubt.

7 Now, let's discuss the elements, the specifics of the
8 charge of possession of marijuana with intent to
9 distribute. As you know, the defendant is charged with
10 that crime. The defendant may be found guilty of
11 possession of marijuana if the State proves beyond a
12 reasonable doubt, that the defendant possessed marijuana
13 with the intent to distribute the drug. Pursuant to South
14 Carolina law, it is unlawful for a person to distribute,
15 deliver, or otherwise aid, abet, attempt, or conspire to
16 distribute, dispense, deliver, or possess with intent to
17 distribute, dispense, or deliver marijuana.

18 To prove possession, the State must prove beyond a
19 reasonable doubt, that the defendant had both the power and
20 the intent to control the disposition or use of the
21 marijuana. Possession may be either actual or constructive.
22 Actual possession means that the marijuana was in the
23 actual physical custody of the defendant.

24 Constructive possession means the defendant had
25 dominion and control, or the right to exercise dominion or

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1 control over either the marijuana itself, or the property
2 on which the marijuana was found. Mere presence at the
3 scene where the drugs are found is not enough to prove
4 possession. Actual knowledge of the presence of the
5 marijuana is strong evidence of the defendant's intent to
6 control its disposition or use. The defendant's knowledge
7 and possession may be inferred when a substance is found on
8 the property under the defendant's control. However, this
9 inference is simply an evidentiary fact to be taken into
10 consideration by you, along with the other evidence in the
11 case, and to be given the weight you deem it to be entitled
12 to.

13 The State must also prove beyond a reasonable doubt
14 that the defendant intended to distribute marijuana.
15 Distribute means to deliver, other than by administering or
16 dispensing a drug.

17 Intent may be shown by acts and conduct of the
18 defendant and other circumstances from which you may
19 naturally and reasonably infer intent.

20 In determining whether the defendant had the intent to
21 distribute marijuana, you may consider the circumstances
22 that surrounding the defendant's alleged possession. You
23 may also consider the amount of the substance alleged to
24 have been possessed, the manner in which it was allegedly
25 possessed, the place where it was allegedly possessed, and

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1 other factors which you consider important. You must find
2 the defendant did not intend to have marijuana solely for
3 his or her own use.

4 Now, let's talk about what we call lesser included
5 offenses. Under our law, any greater offense also includes
6 certain lesser offenses. Now, while that sounds a little
7 bit complicated, it is really not. What it simply means is
8 that the charge of possession to distribute marijuana,
9 which is the greater offense also contains the elements of
10 a lesser offense. And in this case that lesser offense is
11 simple possess of marijuana, that is possession without the
12 intent to distribute.

13 Even though this lesser crime is not charged in the
14 indictment, you may consider it if you find that the facts
15 fit those charges rather than the greater charge of
16 possession with intent to distribute. In other words, a
17 defendant indicted for possession with intent to distribute
18 marijuana may be convicted of simple possession of
19 marijuana, if the evidence warrants it.

20 If you find the State has failed to prove the greater
21 offense of possession with intent to distribute marijuana,
22 you must then consider whether or not the State has proven
23 beyond a reasonable doubt the lesser-included offense of
24 simple possession of marijuana.

25 Possession of marijuana includes all the elements of

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1 possession with intent to distribute marijuana, but doesn't
2 include the intent to distribute. In other words, proof of
3 simple possession of marijuana does not require the
4 prosecutor to show that the defendant intended to
5 distribute the marijuana.

6 If you find the defendant guilty of possession of
7 marijuana, but there is a reasonable doubt as to whether he
8 is guilty of the greater offense of possession with intent
9 to distribute or the lesser offense of simple possession,
10 you must give him the benefit of that doubt and find him
11 guilty of the lesser offense of simple possession; but, of
12 course, you could not convict him of any offense unless his
13 guilt is proved beyond a reasonable doubt for that offense.

14 Now, I further charge you that mere presence at the
15 scene of some incident is not sufficient to prove someone
16 guilty of crime. The burden is upon the State to prove
17 every element of the crime charged. If you find, after
18 reviewing all the evidence, that the State has proved that
19 the defendant was only present at the scene of a crime, and
20 has not proved beyond a reasonable doubt any other
21 participation in the crime, then you must find the
22 defendant not guilty. The law is that proof of mere
23 presence at the scene of the crime is not sufficient to
24 find someone guilty.

25 All right. Now, Mr. Foreman and ladies and gentlemen

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1 of the jury, in just a moment, you are going to retire to
2 begin deliberations. And, as you do, I want to say to you
3 I hope and I know that you are each mindful of the
4 importance of your responsibility. You are not called upon
5 often to serve as jurors. You may remember when we
6 qualified you yesterday, I commented that you cannot be
7 required to serve more than one time in these calendar
8 years in the same court. And, there is a reason for that.
9 It is because being a juror is a difficult task. It
10 requires you and I to free our minds of all outside and
11 improper influences, because we are acting for the
12 community in seeing to it here that the trial is fair and
13 the verdict is just.

14 Now, you have probably observed throughout the trial
15 that the Court, the presiding officer is referred to as
16 Your Honor. And, I know you know from living here in
17 Darlington County that is not some title assigned to me,
18 that is a title that is assigned to the position that I am
19 privileged to hold. Because this Court is intrusted with
20 the honor of this country, this community, this state, and
21 indeed this nation, to see to it that every person tried
22 here receives fair and every verdict is just.

23 In a few moments, you are going to take the protection
24 of the honor of the community, county, state, and nation
25 into the jury room.

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1 Now, when I say that to you please understand I am not
2 telling you how to decide this case, that is not my point
3 at all. As am simply saying to you this, as the presiding
4 officer, it is of vital importance to me that whatever
5 verdict you reach will be the result of your going back
6 into the jury room, confining your consideration to the
7 evidence put forth here in this courtroom. Weighing that
8 evidence fairly and impartially, and applying it to the law
9 that I have given to you here in this charge. And, if you
10 do that ladies and gentlemen, you will reach a verdict that
11 is just and that is fair.

12 Please understand that everyone is entitled to justice
13 in this case. Nothing more and nothing less. We owe no
14 support to either party, we owe no sympathy to any party.
15 And, again, I am of the confirmed opinion that if you
16 follow these instructions, you will reach a verdict which
17 is just and which is fair.

18 Now, Mr. Foreman, I have here a verdict form. And the
19 verdict form basically has two questions to it. And the
20 questions are as follows. The first question has to do
21 with the greater charge, with possession of marijuana with
22 intent to distribute. And the second question has to do
23 with the lesser included offense, which is just simple
24 possession of marijuana. And I am going to read the first
25 question to you as follows.

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1 It says. As to the charge of possession with intent
2 to distribute marijuana, we, the jury, unanimously find the
3 defendant, Rudolph Isreal Edwards, beyond a reasonable
4 doubt, and then we have two choices. Now, when I have two
5 choices, Mr. Foreman, I can't give them to you on the same
6 place on the page. One must come in front of the other.
7 There is no priority here. There is just simply one choice
8 listed in front of the other. The first choice is not
9 guilty. If on the greater offense the jury finds the
10 defendant not guilty unanimously, then it says if chosen go
11 to question two, which means you consider the lesser
12 offense. If, on the other hand, the second choice is
13 chosen, which is guilty, you don't consider the lesser
14 offense, because you have found him guilty of the greater
15 offense. And it says after that choice, if chosen, stop
16 deliberating and sign below. And, at the bottom, Mr. Horn,
17 it says, I certify that this verdict decision of the jury
18 and your signature. So, that when you sign, you are
19 confirming to the Court that this is indeed a unanimous
20 verdict. Now, as I said earlier, I have been in your jury
21 room. It is fairly large. Some may be standing at the
22 window, some seated at the table, some over by the wall.
23 But, if anyone wishes to be heard on a particular point,
24 please give them that opportunity, so that this verdict
25 will indeed not only be a consensus verdict, but it will be

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1 a unanimous verdict.

2 Now, what I would ask you to do is to go back to the
3 jury room for just a moment. Take a break. I need to talk
4 to the lawyers to make sure we have the evidence in order,
5 and then we will bring the evidence back to you. And when
6 we do that, I am going to ask our alternate, Mr. Culley, to
7 come out at that time. I am going to let you go out and
8 say your goodbyes to Mr. Culley for a moment, but don't
9 begin deliberating. And we are going to ask him to step
10 back out, and then the twelve may begin their
11 deliberations.

12 Let me say to you, Mr. Culley, many times when the
13 alternate gets to this point, they think, well, my
14 goodness, I have wasted my time because now I am not
15 getting ready to deliberate with the twelve. But, let me
16 say to you this. Under our system, we must have twelve
17 jurors to deliberate, and I feel like these twelve are
18 going to hold their health here for the next minute or two
19 so that the alternate will not be needed. But, if indeed
20 we did not have an alternate, and if indeed someone got
21 sick or had an emergency, even now at the end of the case,
22 we would have to retry this case at some future time,
23 because a mistrial would have to be declared. Your
24 presence here has prevented that. Your leadership to the
25 jury resulted in Mr. Horn being chosen as foreperson.

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1 Thank you for that leadership. And, so, in the presence of
2 your colleagues, I want to thank you for your service.

3 All right. Now, again, ladies and gentlemen, when you
4 reach a verdict, please, if you will knock on the door,
5 then we will be there to receive whatever message you have.
6 And, also if you need to take a break at some point during
7 the proceedings, if you just feel like you need to
8 separate, again just to take a break. Some wish to go
9 outside. If that happens, we will give you that
10 opportunity. But, please, stop all of your deliberations
11 until you are back together as a group, which would prevent
12 two inconsistent decisions being reached by two different
13 groups at two different places.

14 Now, with that understanding, please enjoy your break
15 momentarily. But, in just a moment or two we will send in
16 the evidence to you.

17 Now, if you wish to see the video, we are going to
18 keep the video out here, not to keep it from you. But, if
19 you wish to see it, knock on the door, let us know, and we
20 will make provisions to send the video in and have someone
21 who can operate the equipment play it for you if that is
22 necessary.

23 All right. So, let's remain where we are. Please
24 don't begin your deliberations until we send in the
25 evidence. Have a nice momentary break, please.

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1 (Whereupon, the jury exits the
2 courtroom at 3:59 p.m.)

3 **THE COURT:** Counsel, would you step up and look at
4 the verdict form, please, just to confirm.

5 **(PAUSE.)**

6 **THE COURT:** All right. Let's talk about on the
7 record one issue. And I equate this to the folks who think
8 that people never went to the moon. I feel like we
9 probably should send the marijuana just so there is no
10 question that the evidence is not controlled by the State,
11 a decision made by the State. The jury didn't see the
12 evidence. It will be my intention to send the marijuana
13 into the jury room. If you have some restriction, or some
14 comment that you wish for the Court to either make or
15 undertake, I will be glad to hear from you at this point.
16 Otherwise, we will just send it in as it is in the evidence
17 package. What says the State?

18 **MS. PARKER:** Send it in.

19 **THE COURT:** Okay. What says the defense?

20 **MS. WISE:** Please send it in.

21 **THE COURT:** All right, very good. Then please,
22 let's remain in session.

23 Actually, are there objections to the charge given to
24 the Court form either side. What says the State?

25 **MS. PARKER:** None from the State.

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1 **THE COURT:** And what says defense?

2 **MS. WISE:** None, Your Honor.

3 **THE COURT:** Let's remain in session and bring our
4 alternate back out, and then we will stand down.

5 (Whereupon, the jury begins their
6 deliberations at 4:01 p.m.)

7 **THE COURT:** All right! Mr. Culley.

8 **MR. CULLEY:** Yes, sir.

9 **THE COURT:** I want to thank you for your service.
10 It has been a pleasure to work with you. I want to tell
11 you that we do not know how long the jury is going to be
12 out. If you want to remain with us and just wait for the
13 jury verdict, that is fine. If you would like to have a
14 number for the Clerk's Office where you can call tomorrow
15 if you are interested to see what the verdict was, that's
16 fine. You can go on about your business. The choice is
17 yours.

18 **MR. CULLEY:** If there is no offense, sir, I can go
19 home, I guess.

20 **THE COURT:** Yes, sir. You certainly can. And, Ms.
21 Carter will give you a telephone number that you can call
22 tomorrow, if you wish. And thank you for your service.

23 **MR. CULLEY:** You are very welcome.

24 **THE COURT:** And, please follow the instructions, if
25 you would dial tonight after six o'clock to see what the

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1 message is for the balance of the panel, and please respond
2 to that.

3 MR. CULLEY: Yes, sir.

4 THE COURT: Have a good day. All right. Ladies
5 and gentlemen, is there anything for our record, before we
6 stand down awaiting the call of the jury?

7 MS. PARKER: Nothing, Your Honor.

8 MS. WISE: No, sir.

9 THE COURT: We will be in recess then.

10 (Whereupon, the Court is in recess awaiting the
11 verdict of the jury at 4:03 p.m.)

VERDICT

12
13 THE COURT: We are advised that a verdict has been
14 reached. Are we ready for the jury. State are you ready?

15 MS. PARKER: Yes, Your Honor.

16 THE COURT: And defense, you ready?

17 MS. WISE: We are, Your Honor.

18 THE COURT: All right. Please bring in the jury.

19 (Whereupon, the jury enters the courtroom at
20 4:39 p.m.)

21 THE COURT: All right. Welcome back, ladies and
22 gentlemen. And Mr. Horn, Mr. Foreman, has the jury reached
23 a verdict?

24 MR. FOREMAN: Yes, sir.

25 THE COURT: Would you please give your verdict form

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1 to the clerk. Thank you. Let the record reflect that the
2 verdict form is appropriately filled out and signed by the
3 foreperson, and Mr. Clerk, please publish the verdict.

4 **CLERK OF COURT:** Yes, sir, Your Honor. This is
5 case number 2012-GS-16-1311, *State of South Carolina versus*
6 *Rudolph Isreal Edwards*, Defendant. Verdict to question one
7 as to the charge of possession with intent to distribute
8 marijuana, we the jury, unanimously find the defendant,
9 Rudolph Isreal Edwards, beyond a reasonable doubt, not
10 guilty. Instructions from there if chosen go to question
11 two. Question two, as to the lesser included offense of
12 possession of marijuana, we the jury, unanimously find the
13 defendant, Rudolph Isreal Edwards, beyond a reasonable
14 doubt, guilty. This is signed by the foreperson, Lawrence
15 Horn, April 2nd 2013. If this was your verdict
16 individually, would you raise your right hand, please.

17 **CLERK OF COURT:** Thank you.

18 **THE COURT:** Let the record reflect all of the
19 jurors have raised their right hands in response to the
20 Clerk's question. Now, while we remain in the presence of
21 the jury, are there any motions for which a jury response
22 would be needed from defense?

23 **MS. WISE:** No motions, Your Honor.

24 **THE COURT:** From the State?

25 **MS. PARKER:** No, Your Honor.

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1 **THE COURT:** All right. Then ladies and gentlemen,
2 this concludes your role in this case. Let me just tell
3 you a little bit about our procedure and what happens here.
4 Whenever there is a trial in absentia --- and I will tell
5 you that the defendant in spite of the efforts of his
6 counsel, as well as the State, and his bondsman because he
7 was out on bond, their efforts to contact him to be here,
8 the defendant determined not to appear. He was advised of
9 the date and time of the trial, and thus knew of the trial
10 but elected not to attend. Of course, as I said when we
11 began, the defendant has no burden of proof and is not
12 required to appear. That may be to his own peril but that
13 is a decision for the defendant to make. Now what our ---
14 the process that we use when someone is tried in absentia,
15 which is what we call this procedure, is that the Court
16 will enter a sentence but will seal the sentence without
17 notifying either party, or the Clerk, or anyone so that ---
18 and the reason for that is so that the defendant will not
19 either have misinformation about what a sentence might have
20 been or some information about what the sentence was. It
21 is simply sealed. A bench warrant is issued for the
22 defendant. When the defendant is arrested, whether he is
23 found by the police or perhaps stopped on a traffic stop
24 because it's entered into what we call the NCIC, which is
25 the national database for which people who are wanted, or

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1 who have pending charges or detainers against them is
2 entered, so that it's readily accessible to any police
3 officer. At some further point he will be arrested,
4 brought back before the Court, the sentence will be
5 unsealed and at that time he will be sentenced to whatever
6 is written in the sealed sentence, so there's not any
7 further proceeding really for the jury to observe with
8 regard to sentencing, So, I wanted to say that your role in
9 this case concluded. Thank you for a verdict which is just
10 and true based upon the evidence which you had before you.
11 You're not quite finished for the week. I'm going to have
12 to tell you that we're going to ask you to call the juror
13 information line after six o'clock tonight. But I can tell
14 you now what that information will be, which is simply
15 going to call back tomorrow night after six, because we are
16 yet to determine whether or not there will be a further
17 jury draw this week. It will not be tomorrow, but it may
18 be Thursday, so please call back. You want to get in the
19 habit of calling back. Call tonight and it will tell you
20 to call back tomorrow night after six. All right. Now any
21 questions from our jurors about what you have seen today,
22 what you have observed or participated in? There are none.
23 Mr. Clerk, any information for our jury panel?

24 **CLERK OF COURT:** You will now be known as the
25 balance of the jury panel. You are not the jury panel

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1 number two anymore. You will follow instructions for the
2 balance. That's the only message on there that you'll ---
3 if you will follow that instruction which will be for
4 balance of the jury panel.

5 **THE COURT:** And Madame Solicitor, tell the jury so
6 the record will be clear. What is it for this charge for
7 which he has been convicted, the lesser included offense,
8 carries under South Carolina law.

9 **MS. PARKER:** Your Honor, because of his record I
10 think it would be chance of zero to one year or two hundred
11 to one thousand dollars in fine.

12 **THE COURT:** Very good. And of course anyone who
13 may have had prior charges against them or prior
14 convictions, that typically is not to be admitted into
15 evidence during the course of the trial. I tell you that
16 because you may wonder well why didn't I know if he had a
17 prior record. That is not admitted into evidence in the
18 State's case, because the question here is did the
19 defendant indeed commit the crime for which he is charged;
20 not did he commit a crime in the past, and so it's been
21 determined long ago to be prejudicial to the defendant.
22 The only time that evidence may come in whether the
23 defendant has a prior record is if the defendant takes the
24 stand, and then that may come in on the issue of whether
25 the defendant is creditable and believable. This is why

THE STATE VERSUS RUDOLPH ISREAL EDWARDS

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1 you didn't hear about that in the State's case in chief.
2 And as you heard, the maximum penalty is one year under
3 South Carolina law, but the Court is going to seal whatever
4 sentence is handed down. And ladies and gentlemen, in a
5 few days if I don't see you again, the Clerk is going to
6 send you a check which is not going to be enough to retire
7 on, which is going to be the County's expression of
8 gratitude for your service. But I want to come over and
9 shake your hand for a job well done and tell you that I
10 appreciate your service. All right. You're free to go.

11 (Whereupon, the Jury is dismissed at
12 4:50 p.m. on Tuesday, April 2, 2013.)

13 **THE COURT:** All right. Let's come back to order,
14 ladies and gentlemen, and I'll be glad to hear from you if
15 you have something you wish to say on the sentencing. It's
16 not required, but we'll be glad to take any comments.
17 State do you wish to be heard on this matter?

18 **MS. PARKER:** Thank you, Your Honor. I'm attempting
19 to locate his rap sheet if Your Honor would like to hear
20 his prior record.

21 **THE COURT:** I have some familiarity with having
22 heard parts of it in the past. I don't require it but if
23 you wish to give me something along that line, that would
24 be fine.

25 **MS. PARKER:** It may not be necessary, Judge. You

THE STATE VERSUS RUDOLPH ISREAL EDWARDS

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1 are aware that he had no priors for the third or
2 subsequent. And then the marijuana, the CVR Code 0182,
3 which is possession of one ounce or less, second offense.
4 And certainly has a requisite priors on his record for
5 that.

6 **THE COURT:** And zero to one is the maximum penalty
7 for the second offense. Is that correct?

8 **MS. PARKER:** Yes, sir.

9 **THE COURT:** All right. And tell me again why
10 you're not requesting that this be a third offense?

11 **MS. PARKER:** I'm not aware that it enhances all the
12 way to three, unless my cheat sheet is incorrect.

13 **THE COURT:** All right. Very good. Thank you. Let
14 me heard from the defense if you have something you wish to
15 say.

16 **MS. WISE:** Your Honor, all I would love to say is
17 again Mr. Edwards is not here today. With that being said,
18 I met with him multiple times. He expressed the need. He
19 is trying to get his wife on the right track. Despite his
20 past record, I know that he and his wife are involved in a
21 custody dispute with his wife's grandchildren in Florida.
22 If the Court would just take that into consideration in
23 determining a lighter sentence.

24 **THE COURT:** We barely got that.

25 **MS. WISE:** I apologize. Do you want me to repeat

THE STATE VERSUS RUDOLPH ISREAL EDWARDS

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1 it?

2 **THE COURT:** No, we're fine. Tell me how many days
3 that you believe the defendant's credit entitled to in this
4 sentence.

5 **MS. WISE:** I'll be honest, I'm not sure.

6 **THE COURT:** I won't have a way to get it. Once I
7 seal it, it's sealed. If he wants credit, he better get it
8 now.

9 **MS. PARKER:** The 2nd day of February is when he
10 bonded out, and he was arrested on January 13th. I'll count
11 the days.

12 **THE COURT:** Thank you.

13 **MS. PARKER:** It's twenty-one.

14 **THE COURT:** All right. We'll give him credit for
15 twenty-one days.

16 **MS. PARKER:** And there's an App for that, Judge
17 Russo told us about it.

18 **THE COURT:** All right. The Court has imposed
19 sentence. Seals the envelope. All right. Ladies and
20 gentlemen, that concludes this matter. Is there anything
21 further from either side before we close the record in this
22 case?

23 **MS. WISE:** Nothing, Your Honor.

24 **MS. PARKER:** No, Your Honor.

25 **THE COURT:** All right. The record is closed. This

THE STATE VERSUS RUDOLPH ISREAL EDWARDS

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1 Court is adjourned.

2 -- END OF TRANSCRIPT --

CERTIFICATE OF REPORTER

139

I, the undersigned, Pamela Ozment-Cartee, official Court Reporter for the Fourth Judicial Circuit of South Carolina, do hereby certify, that the foregoing is a true, accurate and complete Transcript of Record in the above captioned case, relative to appeal, in The Court of General Sessions in Darlington County, South Carolina, on the 1st and 2nd day of April 2013.

I do further certify that am neither, of kin, counsel, nor interest of any party hereto.

September 24, 2013

A handwritten signature in cursive script, appearing to read "Pamela Ozment-Cartee".

Pamela Ozment-Cartee
Circuit Court Reporter

STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSION
COUNTY OF DARLINGTON) 12-GS-16-1311

The State)
) PLAINTIFF)
) vs.) TRANSCRIPT OF RECORD
))
Rudolph Isreal Edwards)
) DEFENDANT)

July 29, 2013
Darlington, South Carolina

B E F O R E:

THE HONORABLE PAUL M. BURCH, Judge.

A P P E A R A N C E S:

PATTY PARKER, ASSISTANT SOLICITOR
Attorney for the State

CHRISTIE WISE, ESQ.
RICHARD JONES, ESQ.
Attorneys for the Defendant.

HATTIE O. GORDON
Circuit Court Reporter
(Transcribed by
Dinah M. Garvin, Official
Court Reporter)

IXWit

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1 MRS. PARKER: May it please the Court, Judge. Your
2 Honor.

3 THE COURT: Yes.

4 MRS. PARKER: Before you is Rudolph Israel Edwards He
5 is before the court on docket 2012-GS-16-1311. Mr.
6 Edwards was found guilty by a jury here in Darlington
7 County of possession of marijuana. The grand jury had
8 indicted him for P.W.I.D. marijuana. But the petit jury
9 at trial in his absence found him guilty of possession. I
10 believe that was on April 3rd, 2013 and we are here for
11 the sentence to be unsealed.

12 THE COURT: Okay, Miss Wise and Mr. Jones.

13 MR. JONES: That is correct, Your Honor. He was
14 tried in his absence.

15 THE COURT: All right, sir, and it's a sealed
16 sentence.

17 MRS. PARKER: Do you need a pair of scissors, Judge.

18 THE COURT: That would help rather than me destroying
19 this. Who was the trial judge?

20 MRS. PARKER: This was before Judge Michael Baxley.

21 THE COURT: All right for the record State versus
22 Rudolph Edwards 2012-GS-1311. Court Reporter was Pam
23 Cartee. Trial Judge was Judge Baxley; trial in absence.
24 Sentence sealed on April the 2nd, 2013. Anything in
25 mitigation before I pronounce sentence?

1 MS. WISE: Your Honor, Mr. Edwards is 49 years old.
2 He previously was living in Darlington County. I believe
3 he has been out at the detention center since he was
4 picked up for 39 days. I would like to make the Court
5 aware he does have an array of health issues, which I
6 would like to put on the record.

7 THE COURT: Okay. Anything before I pronounce
8 sentence?

9 MR. EDWARDS: Yes, sir. I tried everything I could
10 to be to the court date. Got hearing in Florida, two
11 young kids, my grandkids, and both of the dates hit at the
12 same time and I couldn't make it. But every other court
13 hearing I showed up. I tried to see the judge in sixteen
14 months, never seen a judge. I had status conference, I
15 never, you know -- same since I did everything I could so
16 -- to be here, you know. I'm a working man. I got
17 pictures of my work, what we do, my family. And it was
18 totally took out of contents. I'm not drug dealer. And
19 my medical condition, they said -- I can't get my blood
20 pressure right. Causes me -- a lot of business -- I'm
21 long term. This whole side was hyper extended on the job
22 and I'm in a long term injury. Which if I could get the
23 right help, I could be helped and go back to work. What
24 happened some people told some stories that we were
25 trafficking drugs, which was not true. Which I was trying

1 to explain to the courts. I never got a chance to explain
2 what happened. What -- and all I can is apologize, I
3 couldn't make it. I don't deserve to be locked up. I
4 don't think I deserve to be locked up, my first time. I
5 try to be a model citizen. Try to work hard, show my
6 family. I'm a family man. I wish we could find a way to
7 resolve this without any more time. My family couldn't
8 make it, cause they in Florida waiting on a child custody
9 battle that's going on.

10 THE COURT: Okay. At the trial was it established
11 with Judge Baxley on proper notification?

12 MRS. PARKER: It was, Your Honor.

13 MR. JONES: Yes, sir.

14 MRS. PARKER: If you would like for us to review it
15 again, I can put that on the record.

16 THE COURT: All right, it appears from what I have
17 here Miss Wise undoubtedly did you a excellent job in
18 representing you, because she got the jury -- or convinced
19 the jury to come up with a lesser included charge. Is
20 that correct?

21 MRS. PARKER: Yes, Your Honor.

22 THE COURT: Okay. All right. All right, well a I'll
23 pronounce Judge Baxley's sentence. Now, I need to explain
24 to you that you have ten days to file a notice of appeal.
25 If you're not satisfied with what went on or if you are

1 not satisfied with the sentence.

2 MR. EDWARDS: Who me.

3 THE COURT: Any motions would need to be filed, any
4 post sentence motions would have to be filed in ten days.
5 All right here is Judge Baxley's sentence dated a April
6 2nd, 2013. And if you need legal assistance on anything
7 you may want to pursue, Ms. Wise knows the procedure.

8 The sentence was for one year in the state Department
9 of Corrections and he has given you credit for 21 days.
10 And I don't see any other areas that have been checked or
11 any other areas filled in. All right, good luck.

12 MR. JONES: Before we finish, may I ask he receive
13 credit for t 39 days since then? Cause I think that was
14 prior to April he had spent about three weeks --

15 THE COURT: So what is the total?

16 MS. WISE: It would be 60 days.

17 THE COURT: 60 days.

18 MS. WISE: Yes, sir, Your Honor.

19 MR. EDWARDS: That's prison time.

20 THE COURT: One year in the State Department of
21 Corrections get credit for 60 days.

22 MR. EDWARDS: Will you be doing the --

23 MR. JONES: Let me go back and talk to you.

24 MRS. PARKER: Thank you, Your Honor.

25 END OF TRANSCRIPT OF RECORD

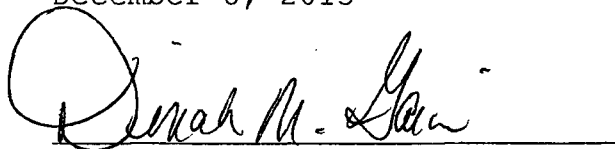
CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)

I, HATTIE O. GORDON, Official Court Reporter for the
4th Judicial Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate and
complete Transcript of Record transcribed by Dinah M.
Garvin, Official Court Reporter, of the proceedings had
and evidence introduced in the trial of the captioned
case, relative to appeal, in the Court of General Sessions
for Darlington County, South Carolina, on the 29TH day of
July, 2013.

I do further certify that I am neither of kin,
counsel nor interest to any party hereto.

December 8, 2013



HATTIE O. GORDON, Court Reporter
(Transcribed by Dinah M. Garvin)

Certified True Copy
Hartsville Magistrate's Office

COURT'S	
EXHIBIT NO.	<u>1</u>
IDENTIFICATION/EVIDENCE	
DKT. #	<u>42-13</u>
DATE:	<u>4-2-13</u>

STATE OF SOUTH CAROLINA

County of: DARLINGTON

Darlington County Sheriff's Office
Drug Enforcement Unit
1625 Harry Byrd Highway
Darlington, SC 29532

TRUE CERTIFIED COPY,
Scott B. Jung
CLERK OF COURT/MC
DARLINGTON COUNTY, S.C.

SEARCH WARRANT

Address:

CIRCLE
HARTSVILLE SC

Date: 01/12/2011

Officer: Det. Sgt. J. Specht

STATE OF SOUTH CAROLINA }

AFFIDAVIT

COUNTY OF DARLINGTON

Personally appeared before me, Det. Sgt. J. Specht, who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

DCDEU MONIES, CONTRABAND, PROCEEDS OF DRUG SALES AND/OR RECORDS OF DRUG TRANSACTIONS, DRUGS, DRUG SOURCES, DRUG CUSTOMERS, SAFE DEPOSIT BOXES, FINANCIAL INSTRUMENTS, PRECIOUS METALS, JEWELRY, PARAPHERNALIA INCLUDING BUT NOT LIMITED TO SCALES, PLASTIC BAGS, CHEMICALS, STOLEN WEAPONS, FIREARMS, AMMUNITION OR GOODS, COMPUTERS, COMPUTER SOFTWARE, COMPUTER DISKS AND RELATED COMPUTER HARDWARE, INCLUDING BUT NOT LIMITED TO HARD DRIVES, DISKS, PRINTERS, AND SCANNERS AS WELL AS OTHER ELECTRONIC EQUIPMENT THAT HAS THE ABILITY TO STORE AND/OR PROCESS DATA. THIS INCLUDES ANY CELL PHONES ON THE PREMISES, TO INCLUDE ANY AND ALL SAVED, ARCHIVED, DELETED DATA, PHONE NUMBERS DIALED AND RECEIVED, INCOMING AND OUTGOING TEXT MESSAGES, VIDEO, AUDIO AND IMAGES, WHETHER ON A SIM CARD, INTERNAL MEMORY OR A MEMORY CARD.

**DESCRIPTION OF PREMISES (PERSON, PLACE, OR THING)
TO BE SEARCHED**

LEAVING DARLINGTON COUNTY MAGISTRATE'S OFFICE AT 404 S FOURTH STREET, TRAVEL NORTH ON FOURTH STREET TO HOME AVENUE. TURN LEFT AND TRAVEL TO FIFTH STREET. TURN RIGHT ON FIFTH AND PROCEED TO LAKEVIEW BOULEVARD. TURN LEFT ON LAKEVIEW BOULEVARD AND PROCEED TO BILLS CIRCLE, WHICH IS APPROXIMATELY 1.9 MILES ON THE RIGHT. TURN RIGHT ON THE NORTHERNMOST ENTRANCE TO BILLS CIRCLE (SECOND ENTRANCE) AND THE TARGET LOCATION IS A SINGLE WIDE MOBILE HOME ON THE RIGHT, MARKED WITH ON THE END OF THE TRAILER AND DISTINGUISHABLE BY A WHEELCHAIR RAMP TO THE FRONT DOOR. THIS IS TO INCLUDE VEHICLES AND OUTBUILDINGS ON THE PREMISES AT THE TIME OF EXECUTION OF SEARCH WARRANT.

**REASON FOR AFFIANT'S BELIEF THAT THE
PROPERTY SOUGHT IS ON THE SUBJECT PREMISES**

THE PETITIONING OFFICER IS ASSIGNED TO THE DARLINGTON COUNTY DRUG ENFORCEMENT UNIT, AND IS ASSIGNED SPECIFICALLY TO PURCHASE ILLEGAL NARCOTICS / CONTRABAND IN AN UNDERCOVER CAPACITY. DURING RECENT MONTHS, THERE HAVE BEEN MULTIPLE UNDERCOVER PURCHASES OF ILLEGAL DRUGS MADE FROM THIS RESIDENCE AT CIRCLE. MORE RECENTLY, AGENTS WITH DEU HAVE CONDUCTED SURVEILLANCE AND MADE TWO ARRESTS OF PERSONS LEAVING THIS LOCATION AFTER HAVING PURCHASED ILLEGAL DRUGS. THOSE INDIVIDUALS PROVIDED STATEMENTS TO OFFICERS, WHICH CORROBORATED THE OBSERVATIONS MADE BY LAW ENFORCEMENT.

Sworn to and Subscribed before me

this 12 day of Jan, 20 12
James E. Thomas (L.S.)
Signature of Judge }

DET. SGT. J. SPECHT

Affiant

Address 1625 Harry Byrd HighwayDarlington SC 29532Phone 843-398-4501

Certified True Copy
Hartsville Magistrate's Office

TRUE CERTIFIED COPY,

Sgt. B. J. Suggs

CLERK OF COURT/RMC,
DARLINGTON COUNTY, S.C.

STATE OF SOUTH CAROLINA

COUNTY OF DARLINGTON

SEARCH WARRANT

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OF DARLINGTON

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

**DESCRIPTION OF PREMISES (PERSON, PLACE, OR THING)
TO BE SEARCHED**

LEAVING DARLINGTON COUNTY MAGISTRATE'S OFFICE AT 404 S FOURTH STREET, TRAVEL NORTH ON FOURTH STREET TO HOME AVENUE. TURN LEFT AND TRAVEL TO FIFTH STREET. TURN RIGHT ON FIFTH AND PROCEED TO LAKEVIEW BOULEVARD. TURN LEFT ON LAKEVIEW BOULEVARD AND PROCEED TO BILLS CIRCLE, WHICH IS APPROXIMATELY 1.9 MILES ON THE RIGHT. TURN RIGHT ON THE NORTHERNMOST ENTRANCE TO BILLS CIRCLE (SECOND ENTRANCE) AND THE TARGET LOCATION IS A SINGLE WIDE MOBILE HOME ON THE RIGHT, MARKED WITH ON THE END OF THE TRAILER AND DISTINGUISHABLE BY A WHEELCHAIR RAMP TO THE FRONT DOOR. THIS IS TO INCLUDE VEHICLES AND OUTBUILDINGS ON THE PREMISES AT THE TIME OF EXECUTION OF SEARCH WARRANT.

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

**DESCRIPTION OF PROPERTY
DESCRIPTION OF PROPERTY SOUGHT**

DCDEU MONIES, CONTRABAND, PROCEEDS OF DRUG SALES AND/OR RECORDS OF DRUG TRANSACTIONS, DRUGS, DRUG SOURCES, DRUG CUSTOMERS, SAFE DEPOSIT BOXES, FINANCIAL INSTRUMENTS, PRECIOUS METALS, JEWELRY, PARAPHERNALIA INCLUDING BUT NOT LIMITED TO SCALES, PLASTIC BAGS, CHEMICALS, STOLEN WEAPONS, FIREARMS, AMMUNITION OR GOODS, COMPUTERS, COMPUTER SOFTWARE, COMPUTER DISKS AND RELATED COMPUTER HARDWARE, INCLUDING BUT NOT LIMITED TO HARD DRIVES, DISKS, PRINTERS, AND SCANNERS AS WELL AS OTHER ELECTRONIC EQUIPMENT THAT HAS THE ABILITY TO STORE AND/OR PROCESS DATA. THIS INCLUDES ANY CELL PHONES ON THE PREMISES, TO INCLUDE ANY AND ALL SAVED, ARCHIVED, DELETED DATA, PHONE NUMBERS DIALED AND RECEIVED, INCOMING AND OUTGOING TEXT MESSAGES, VIDEO, AUDIO AND IMAGES, WHETHER ON A SIM CARD, INTERNAL MEMORY OR A MEMORY CARD.

This Search warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to Darlington County Magistrate within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made. A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Hartsville, S.C.
1-12, 20 12

James E. Thomas
Signature of Judge

Certified True Copy
Hartsville Magistrate's Office

TRUE CERTIFIED COPY,
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.
Scott B. Surges

RETURN

I received the attached Search Warrant January 12, 2012, and have executed it as follows:

On January 13, 2012 at 13:30pm, I searched the premises described in the warrant.

I left a copy of the warrant with at place of search

Name of person searched or "at the place of search" with.

Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

- \$192 cash
- nine baggies of marijuana in Crown Royal bag
- digital scale
- bag of small baggies used to package marijuana

This inventory was made in the presence of Agent R. McIntyre

AND

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

SWORN to before me this 14

day of Jan

20

12

James E. Roman (L.S.)
Signature of Judge

[Signature]
(Signature of Officer Executing Warrant)

Certified True Copy
Hartsville Magistrate's Office

TRUE CERTIFIED COPY,

Scott B. Juggs

CLERK OF COURT/RMG

DARLINGTON COUNTY, S.C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)
)
INDICTMENT FOR
Drugs / PWID Marijuana
§44-53-0370(b)(2)

At a Court of General Sessions, convened on August 30, 2012, the Grand Jurors of Darlington County present upon their oath:

POSSESSION OF MARIJUANA WITH INTENT TO DISTRIBUTE

CDR: 0188 44-53-0370(b)(2)

That Rudolph Isreal Edwards did in Darlington County, on or about January 13, 2012, possess with intent to distribute, dispense or deliver a quantity of Marijuana, a controlled substance under provisions of Section 44-53-110, et. seq., S. C. Code of Laws, 1976, as amended, such possession not having been authorized by law, and in violation of Section 44-53-0370(b)(2), S. C. Code of Laws, 1976, as amended.

TRUE CERTIFIED COPY
Scott B. Jugo
CLERK OF COURT/REC
DARLINGTON COUNTY, S.C.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided:

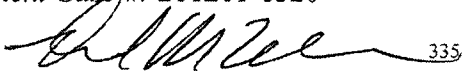
William B. Rogers, Jr.
WILLIAM B. ROGERS, JR.
SOLICITOR

WITNESSES

J Specht

Darlington County Sheriff

Law Enforcement Case #: 201201-0320

 335

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I
hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and
plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
M820214

ARRESTED ON: 2012-01-13

ACTION OF GRAND JURY

TRUE BILL

Grand Jury Foreperson

Date

AUG 30 2012

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2012-GS-16-1311

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

Term:
August 2012

THE STATE

vs.

Rudolph Isreal Edwards

INDICTMENT FOR

Drugs / PWID Marijuana

§44-53-0370(b)(2)

CDR Code: 0188

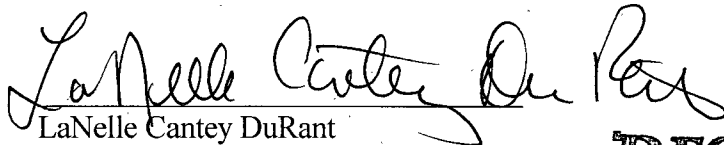
TRUE CERTIFIED COPY
EST. B. Judge
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

William B. Rogers, Jr., Solicitor

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

April 30th, 2014


LaNelle Cantey DuRant
Appellate Defender

RECEIVED

South Carolina Commission on Indigent Defense APR 30 2014
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

SC Court of Appeals

ATTORNEY FOR APPELLANT

ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

APR 30 2014

SC Court of Appeals

Appeal from Darlington County

J. Michael Baxley, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RUDOLPH ISREAL EDWARDS,

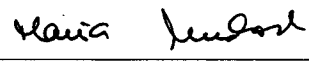
APPELLANT

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Salley W. Elliott, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and Mr. Rudolph Edwards, at this 30th day of April, 2014.


Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 30th day of April, 2014.


(L.S.)
Notary Public for South Carolina
My Commission Expires: July 3, 2023.